

~~Walden~~ ~~White~~
Alabama Air Pollution Control Commission
Air Pollution Control Rules and Regulations

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Chapter 1 -- General Provisions.

1.1 Structure and Numbering of Rules and Regulations.

1.1.1 Title and Scope. The provisions contained in these rules and regulations shall be known and may be cited as the Alabama Air Pollution Control Rules and Regulations, and shall apply to all activities and all persons in the State of Alabama, including Federal activities.

1.1.2 Chapters. The normal division of these rules and regulations are chapters, which should encompass a broad subject matter. Chapters are numbered consecutively in Arabic throughout the rules and regulations.

1.1.3 Parts. The normal division of chapters are parts. A part should be devoted to a specific subject matter within a chapter. Parts are numbered consecutively in Arabic throughout each chapter and shall include the number of the chapter set off by a decimal point. Thus, the part number for part 15 within Chapter 3 is 3.15.

1.1.4 Sections. The normal divisions of parts are sections. The section is the basic unit of these rules and regulations. Sections are numbered consecutively in Arabic throughout each part and shall include the numbers of the part set off by a decimal point. Thus, the section number for section 26 of Part 3.15 is 3.15.26.

1.1.5 Internal Division of Sections. Whenever internal divisions are necessary, sections shall be subdivided into paragraphs, paragraphs into subparagraphs, and subparagraphs into subdivisions, designated as follows:

Terminology:

Paragraph

Subparagraph

Subdivision

Illustrative symbol:

(a)

(1)

(i)

1.1.6 Promulgation Procedure. All requirements and provisions subject to inclusion in these rules and regulations shall be drafted as amendments to the Alabama Air Pollution Control Rules and Regulations and prepared in accordance with the provisions of this part and with, insofar as it applies and does not conflict with this part, the provisions of Part 17 of Title 1 of the Code of Federal Regulations, as the same may be amended or revised.

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1.2 Definitions.

1.2.1 Meaning of Terms. As used in these rules and regulations, terms shall have the meanings ascribed in this part.

"Act" shall mean the Alabama Air Pollution Control Act of 1971, Act No. 769, Regular Session, 1971.

"Air Contaminant" shall mean any solid, liquid, or gaseous matter, any odor, or any combination thereof, from whatever source.

"Air Pollution" shall mean the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life, or property, or would interfere with the enjoyment of life or property throughout the State and in such territories of the State as shall be affected thereby.

"Air Pollution Emergency" shall mean a situation in which meteorological conditions and/or contaminant levels in the ambient air reach or exceed the levels which may cause imminent and substantial endangerment to health.

"Chairman" shall mean the Chairman, or in his absence, the Vice Chairman, of the Commission.

"Commission" shall mean the "Air Pollution Control Commission of the State of Alabama" established by the Act.

"Commenced" shall mean that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a binding agreement or contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

"Construction" shall mean fabrication, erection, or installation of an affected facility.

"Control" shall mean any device which has the function of controlling the emissions from a process, fuel-burning, or refuse-burning device and thus reduces the creation of, or the emission of air contaminants into the atmosphere, or both.

"Control Strategy" shall mean a collection of various emission standards selected for the different categories of sources.

"Control Regulation" shall mean a legally enforceable emission control strategy.

"County Classification" shall mean the designation Class 1 County or Class 2 County. All facilities, plants or other installations shall be subject to the restrictions on air pollution emissions specific to the county classification of the county in which they are located.

(a) A "Class 2 County" shall mean a county in which:

(1) More than 50 percent of the county population resides in a non-urban place, as defined by the U.S. Department of Commerce Census Bureau for 1970.

(2) No secondary Nation Ambient Air Quality standard is being exceeded based on 1971 air quality measurements.

(b) A "Class 1 County" shall mean a county in which the conditions of either subparagraph (a)(1) or (a)(2) above or both are not met.

"Director" shall mean the Director of the Division of Air Pollution Control of the Department of Public Health which is established by the Act.

"Effluent Water Separator" shall mean any tank, box, sump, or other container in which any volatile organic compound floating on or entrained or contained in water entering such tank, box, sump, or other container is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

"Existing Source" shall mean any source in operation or on which construction has commenced on the date of initial adoption of an applicable rule or regulation; except that any existing source which has undergone modification after the date of initial adoption of an applicable rule or regulation, shall be reclassified and considered a new source.

"Emission" shall mean a release into the outdoor atmosphere of air contaminants.

"Employee" shall mean any employee of the Commission or Division.

"Federal Act" shall mean the Clean Air Act (42 U.S.C. 1856 et seq.) as last amended, and as may hereafter be amended.

"Fuel-Burning Equipment" shall mean any equipment, device, or contrivance and all appurtenances thereto, including ducts, breechings, fuel-feeding equipment, ash removal equipment, combustion controls, stacks and chimney, used primarily, but not exclusively, to burn any fuel for the purpose of indirect heating in which the material being heated is not contacted by and adds no substance to the products of combustion.

"Fugitive Dust" shall mean solid air-borne particulate matter emitted from any source other than a flue or stack.

"Heat Available" shall mean the aggregate heat content of all fuels whose products of combustion pass through a stack or stacks.

"Heat Input" shall mean the equipment manufacturer's or designer's nameplate or actual (whichever is greater) capacity of the fuel combustion unit.

"Incinerator" shall mean any equipment, device or contrivance and all appurtenances thereof used for the destruction by burning of solid, semi-solid, liquid, or gaseous combustible wastes.

"Maximum Process Weight Per Hour" shall mean the equipment manufacturer's or designer's guaranteed maximum (whichever is greater) process weight per hour.

"Modification" shall mean any physical change in, or change in the method of operation of, an affected source which increases the amount of any air contaminant (to which a rule or regulation applies) emitted by such source or which results in the emission of any air contaminant (to which a rule or regulation applies) not previously emitted, except that:

(a) Routine maintenance, repair, and replacement shall not be considered physical changes, and

(b) The following shall not be considered a change in the method of operation:

- (1) An increase in the production rate;
- (2) An increase in hours of operation;
- (3) Use of an alternative fuel or raw material.

"New Source" shall mean any source built or installed on or after the date of initial adoption of an applicable rule or regulation and any source existing at said stated time which later undergoes modification. Any source moved to another premise involving a change of location after the date of initial adoption of an applicable rule or regulation shall be considered a new source.

"Odor" shall mean smells or aromas which are unpleasant to persons, or which tend to lessen human food and water intake, interfere with sleep, upset appetite, produce irritation of the upper respiratory tract, or cause symptoms of nausea, or which by their inherent chemical or physical nature, or method of processing, are, or may be, detrimental or dangerous to health. Odor and smell are used interchangeably herein.

"Opacity" shall mean the obscuration to an observer's view produced by smoke of any color that is equivalent to an obscuration by smoke of a shade specified in the Ringelmann Smoke Chart published by the United States Bureau of Mines.

"Open Burning" shall mean the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through an adequate stack, duct, or chimney.

"Operating Time" shall mean the number of hours per year that a source conducts operations.

"Owner or operator" shall mean any person who owns, leases, operates, controls, or supervises an affected facility, article, machine, equipment, other contrivance, or source.

"Particulate Matter" shall mean finely divided material, except uncombined water which is a liquid or a solid at standard conditions of temperature at 68°F and pressure at 14.7 pounds per square inch absolute.

"Process" shall mean any action, operation, or treatment of materials, including handling and storage thereof, which may cause discharge of an air contaminant, or contaminants, into the atmosphere, but excluding fuel burning and refuse burning.

"Process Weight" shall mean the total weight in pounds of all materials introduced into any specific process which may cause any discharge into the atmosphere.

"Process Weight Per Hour" shall mean the total weight of all materials introduced into any specific process that may cause any discharge of particulate matter. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a typical period of time by that time period.

"Refuse" shall mean matter consisting of garbage, rubbish, ashes, street debris, dead animals, abandoned vehicles, industrial wastes, demolition wastes, construction wastes, special wastes, or sewage treatment residue.

"Ringelmann Chart" shall mean the chart published and described in U.S. Bureau of Mines Information Circular 8333.

"Smoke" shall mean gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, ashes, or other combustible material.

"Soiling Index" shall mean a measure of the soiling properties of suspended particles in air determined by drawing a measured volume of air through a known area of Whatman No. 4 filter paper for a measured period of time, expressed as COHs/1,000 linear feet.

"Source" shall mean any building, structure, facility, installation, article, machine, equipment, device, or other contrivance which emits or may emit any air contaminant. Any activity which utilizes abrasives or chemicals for cleaning or any other purpose (such as cleaning the exterior of buildings) which emits air contaminants shall be considered a source.

"Stack or ducts" shall mean any flue duct, or other contrivance arranged to conduct emissions to the open air.

"Startup" shall mean the setting in operation of an affected source for any purpose.

"State" shall mean the State of Alabama.

"Submerged Fill Pipe" shall mean any fill pipe, the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the tank; or when applied to a tank which is loaded from the side, shall mean any fill pipe, the discharge opening of which is entirely submerged when the liquid level is two times the fill pipe diameter, in inches, above the bottom of the tank.

"Uncombined Water" shall mean any water droplets or water vapor condensate that does not contain any other solid or liquid particulate matter attached to the water droplets.

"Volatile Organic Compounds" shall mean any compound containing carbon and hydrogen or containing carbon and hydrogen in combination with any other element which has a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions.

1.3 Organization.

1.3.1 Administration of Division. The Division of Air Pollution Control created by Section 4(a) of the Act shall be a division of the Bureau of Environmental Health of the Alabama Department of Public Health and shall be administered according to the direction of the State Health Officer.

1.3.2 Appointment of the Director. The Director of the Division shall be appointed by the Commission in accordance with the Merit System laws of this State. The Director shall, at the time of his appointment, meet the qualifications and requirements of the Public Health Engineer V, or higher, classification as established by the State Personnel Board, and this shall have been certified by the State Personnel Director. The Director shall be compensated pursuant to a compensation plan approved by the State Personnel Board.

1.3.3 Organization of the Division. The Director shall divide the Division into appropriate organizational units for the purpose of distributing duties, responsibilities, and work among the various personnel of the Division. Within limits of rules and regulations of the State Personnel Board, the Director may appoint the heads of the organizational units so created. The creation of organizational units and the appointment of unit heads shall be reported to the Commission and shall be subject to its approval.

1.3.4 Division Personnel. Subject to the State Merit System laws and the limitations of budget, the Director may employ, in the name of the Commission, such technical, administrative and clerical, and other personnel as he deems necessary to carry out the purposes and provisions of the Act. Personnel actions taken by the Director shall be reported to the Commission from time to time.

1.4 Availability of Records and Information.

1.4.1 Public Inspection of Records. Except as is provided in this part, any records, reports or information obtained under the Act, and the official records of the Commission shall be available to the public for inspection. Permission to inspect such records should be made to the Director, Alabama Air Pollution Control Commission, Montgomery, Alabama 36104, unless otherwise directed in published organizational, procedural, or regulatory statements pertaining to specific records or classes of records. Such request should state the general subject matter of the records sought to be inspected to permit identification and location.

1.4.2 Exceptions. Upon a showing satisfactory to the Director by any person that records, reports, or information, or particular part thereof, (other than emission data) to which the Commission has access if made public, would divulge production or sales figures or methods, processes or production unique to such person, or would otherwise tend to affect adversely the competitive position of such person by revealing trade secrets, the Commission and the Director shall consider such record, report, or information or particular portion thereof confidential in the administration of the Act.

1.4.3 Creation of Record. Records will not be created by compiling selected items from other documents at the request of a member of the public, nor will records be created to provide the requester with data such as ratios, proportions, percentages, frequency distribution, trends, correlations, or comparisons.

1.4.4 Denial of Requests for, or Non-existence of, Information. If it is determined pursuant to this Part that requested information will not be provided or that, to the best knowledge of the Director, requested information does not exist, the Director shall notify in writing the party requesting the information that the request is either denied or cannot be fulfilled.

1.4.5 Copies of Documents. If it is determined that information requested may be disclosed, the requesting party shall be afforded the opportunity to obtain copies of the documents containing such information. However, records shall not be released for copying by non-Division personnel except by permission of the Director. When a determination not to disclose a portion of information requested has been made, records shall be masked for copying of nonexcepted portions of the information.

1.4.6 Disclosure of Information to Other Agencies. Nothing in these rules and regulations shall be construed to prevent disclosure of any report, record or information obtained under the Act, or any of the official records of the Commission to Federal, State, or local air pollution control laws, or when relevant in any proceedings under the Act.

1.4.7 Correlation of Information. As soon as practicable, the Director shall provide for public availability of emission data reported by source owners or operators or otherwise obtained by the Director of the Division. Such emission data shall be correlated with applicable emission limitations or other measures. As used in this section, "correlated" means presented in such a manner as to show the relationship between measured or estimated amounts of emissions and the amounts of such emissions allowable under these rules and regulations.

1.5 Employee Responsibilities and Conduct.

1.5.1 Introduction.

People who work for the Alabama Air Pollution Control Commission are in a special category. They are not only employed by the Commission, which may be their immediate "boss", but more importantly, they are paid by the people of Alabama. Consequently, they have an obligation not only to their immediate supervisors, but also to the taxpayer to assure that he gets his "money's worth". As a result, Commission employees live in somewhat of a glass house and must adhere to high moral and ethical standards in their business relationships and personal conduct.

It is virtually impossible to set out specific "rules" to govern each employee's conduct in all phases of his job. This is not the intent of these guidelines. Rather, it is an attempt to present some of the more frequent or common situations which arise and to provide each employee with general guidelines to assist him in carrying out his duties in a businesslike manner. It is believed that each employee is sufficiently intelligent, sufficiently mature, and possesses sufficient common sense that he will perform his duties in an efficient and responsible manner without the need for specific identification of everything he can or cannot do.

1.5.2 General Comments.

Commission employees are expected to comply with all statutes and rules of the State and their communities. It is not the intent of the Commission as an employer to be concerned with the non-working time of its employees. However, when off-duty conduct has a bearing on the Commission operations or brings discredit upon the Commission or State government, then such conduct does legitimately become a concern and could result in appropriate disciplinary action against the employee.

The Commission employee must be especially careful to avoid such things as using his official position for personal gain, giving unjustified preferences, losing sight of the need for efficient and impartial decisions in methods of operation, or committing an act which could result in questioning the integrity of the Division or Commission.

1.5.3 Gifts and Favors.

Commission employees ought to be especially careful in their relationships to avoid any taint of irresponsibility by accepting any gift or gratuity from a non-employee who is now or is seeking to do business with the Commission or whose business is regulated by the Commission. Many times an employee will be offered items of nominal value such as pens, pencils, calendars, matches, etc. It would not be improper to accept these items as long as both parties recognize that there is no intent to affect a business relationship. Likewise, there will be times when non-employees will offer to take a Commission employee to lunch to discuss business. This, too, can be proper or improper depending on the circumstances. If done on an infrequent basis and in the ordinary course of business, it would appear to be proper. However, if the intent of either party was to allow the social affair to affect the business transaction, it most definitely would be improper. Each employee must be conscious of the possibility of impropriety and make his own decision as to the particular situation.

1.5.4 Outside Employment.

Each full-time Commission employee is expected to devote his entire working hours to his job and to the business of the Commission. While there is no absolute bar to outside employment, such employment must not interfere with complete attention to the employee's responsibilities as a Commission employee. There are, of course, some outside employment situations which could result in a conflict of interest between the two jobs. These kinds of involvements between outside activities and Commission employment must be strictly avoided. If the employee has any question that a conflict of interest situation might develop, he should immediately discuss the situation with the Director.

Naturally, an employee should not receive any compensation from any outside source for the performance of his Commission responsibilities.

Employees are, of course, encouraged to participate in civic organization activities, again where such activities do not interfere with full performance of the employee's Commission responsibilities.

1.5.5 Use of Privileged Information.

Many Commission employees will deal with plans and programs of significant public interest. Employees must not use this privileged information to their own financial advantage or to provide friends and acquaintances with financial advantages, or with information which could be used for financial advantage.

If an employee finds that he has an outside financial interest which could be affected by Commission plans or activities, he should immediately report the situation to the Director.

Each employee is charged with the responsibility of insuring that he releases only information that should be made available to the general public.

1.5.6 Use of State Property.

Employees should not, directly or indirectly, use or allow the use of Commission or State property of any kind for other than official activities.

1.5.7 Conclusion.

The foregoing guidelines should assist each employee in more efficiently carrying out his responsibilities as a Commission employee. As mentioned earlier, these standards are not intended to be all-encompassing, nor to spell out each kind of situation that will arise. Likewise, it has not been spelled out in detail all of those actions such as theft of State property, being intoxicated on the job, etc., which is recognized as subjecting a person to disciplinary action.

It is well recognized that many problems will arise in the daily course of an employee's activities which could raise some question in his mind as to what action he should take. Each employee is encouraged to discuss these matters with the Director to obtain guidance and assistance.

1.6 Ambient Air Quality Standards.

1.6.1 Primary and Secondary Standards. The National primary ambient air quality standards and national secondary ambient air quality standards and accompanying appendices of reference methods, set forth at Part 50 of Title 40 of the Code of Federal Regulations, as the same may be amended or revised, are hereby incorporated and made a part of these regulations, and shall apply throughout the State.

1.6.2 Policy. It is the objective of the Commission to obtain and maintain the ambient air quality standards of this Part in achieving the policy and purpose of the Act and as required by the Federal Act. The adoption hereby of the national primary and secondary ambient air quality standards shall not be considered in any manner to allow significant deterioration of existing air quality in any portion of the State.

1.6.3 Attainment of Primary Standard. These rules and regulations and the administration of the Division by the Director shall provide for the attainment of the national primary ambient air quality throughout the State as expeditiously as practicable, but in no case later than three years after the date of initial adoption of these rules and regulations or within the time limits specified by Section 110(a) of the Clean Air Act, as amended (84 Stat. 1680), whichever is later.

1.6.4 Attainment of Secondary Standard. To the extent practicable and feasible, these rules and regulations and the administration of the Division by the Director shall strive for the attainment of the national secondary ambient air quality throughout the State concurrently with the attainment of the national primary ambient air quality standard as provided in Section 1.6.3.

1.6.5 Affect on Interstate Air Quality Control Regions. The administration of the Division by the Director shall insure that air contaminants emitted within an Alabama portion of an Interstate Air Quality Control Region designate at Part 81 of Title 40 of the Code of Federal Regulations will not interfere with attainment and maintenance of any national primary or secondary ambient air quality standard in the remaining portion of such region. To this end, the Director is authorized to advise and consult with air pollution control agencies in other states and enter into cooperative agreements with such agencies to achieve the purposes of this section.

1.5.5 Use of Privileged Information.

Many Commission employees will deal with plans and programs of significant public interest. Employees must not use this privileged information to their own financial advantage or to provide friends and acquaintances with financial advantages, or with information which could be used for financial advantage.

If an employee finds that he has an outside financial interest which could be affected by Commission plans or activities, he should immediately report the situation to the Director.

Each employee is charged with the responsibility of insuring that he releases only information that should be made available to the general public.

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The foregoing guidelines should assist each employee in more efficiently carrying out his responsibilities as a Commission employee. As mentioned earlier, these standards are not intended to be all-encompassing, nor to spell out each kind of situation that will arise. Likewise, it has not been spelled out in detail all of those actions such as theft of State property, being intoxicated on the job, etc., which is recognized as subjecting a person to disciplinary action.

It is well recognized that many problems will arise in the daily course of an employee's activities which could raise some question in his mind as to what action he should take. Each employee is encouraged to discuss these matters with the Director to obtain guidance and assistance.

1.8. Sampling and Testing Methods.

1.8.1 Methods. All required sampling and testing shall be made and the results calculated in accordance with sampling and testing procedures and methods approved by the Director. All required samples and tests shall be made under the direction of persons qualified by training and/or experience in the field of air pollution control.

1.8.2 Standard Methods. The Director, to the extent practicable, should recognize and approve the test methods and procedures established by Part 60 of Title 40 of the Code of Federal Regulations, as the same may be amended or revised.

1.8.3 The Division may conduct tests and take samples of air contaminants, fuel, process material or other material which affects or may affect emission of air contaminants from any source. Upon request of the Division, the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants. If an authorized employee of the Division during the course of an inspection obtains a sample of air contaminant, fuel, process material, or other material, he shall give the owner or operator of the equipment or fuel facility a receipt for the sample obtained.

1.8.4 Report to Owner or Operator. At the conclusion of any inspection under Section 9 of the Act, or conduction of any testing or sampling under this Part, if requested, the owner or operator of the premises shall receive a report setting forth all facts found which relate to compliance status with the Act and these rules and regulations.

1.9 Compliance Schedule.

1.9.1 Scope. Except as otherwise specified, compliance with the provisions of these rules and regulations shall be according to the time schedule of this Part.

1.9.2 New Sources. All new sources shall comply with the applicable rules and regulations of Chapter 3 et seq. within 60 days after achieving the maximum production rate at which the affected source will be operated, but not later than 120 days after initial startup of such source, unless the Director specifies another period of time as a condition to the issuance of any Permit under Part 1.12.

1.9.3 Existing Sources. All existing sources not in compliance as of the date of initial adoption of an applicable rule or regulation contained in Chapter 3 et seq. shall be in compliance within 6 months of such initial date unless the owner or operator responsible for the operation of such source shall have submitted to the Director in a form and manner satisfactory to him, a control plan and schedule for achieving compliance, such plan and schedule to contain a date on or before which full compliance will be attained, and such other information as the Director may require. Any such plan and schedule expected to extend over a period of 18 or more months from such initial date shall include provisions for periodic increments of progress toward full compliance. If approved by the Director, such dates shall be the dates on which such owner or operator shall achieve incremental progress and full compliance. The Director may require persons to submit subsequent periodic reports on progress in achieving compliance. In no event shall the control plan and schedule exceed 3 years from the date of initial adoption of an applicable rule or regulation. The provisions of this Section shall not apply to sources for which permits are required under Part 1.12.

1.9.4 Nothing in this Part shall relieve any person, or any new or existing source from complying with the provisions of Chapters 1 and 2 of these rules and regulations.

1.10 Maintenance and Malfunctioning of Equipment; Reporting.

1.10.1 Maintenance; Reporting. In the case of shutdown of air pollution control equipment (which operates pursuant to any permit issued by the Director) for necessary scheduled maintenance, the intent to shut down such equipment shall be reported to the Director at least twenty-four (24) hours prior to the planned shutdown, unless such shutdown is accompanied by the shutdown of the source which such equipment is intended to control. Such prior notice shall include, but is not limited to the following:

(a) Identification of the specific facility to be taken out of service as well as its location and permit number.

(b) The expected length of time that the air pollution control equipment will be out of service.

(c) The nature and quantity of emissions of air contaminants likely to occur during the shutdown period.

(d) Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period.

(e) The reasons that it would be impossible or impractical to shut down the source operation during the maintenance period.

1.10.2 Malfunction; Reporting. In the event that any emission source, air pollution-control equipment, or related facility fails or breaks down in such a manner as to cause the emission of air contaminants in violation of these rules and regulations, the person responsible for such source, equipment, or facility shall notify the Director within 24 hours of such failure or breakdown and provide a statement giving all pertinent facts, including the estimated duration of the breakdown. The Director shall be notified when the condition causing the failure or breakdown has been corrected and such source, equipment, or facility is again in operation.

1.11 Prohibition of Air Pollution. No person shall permit or cause air pollution, as defined in Section 1.2.1 of this Chapter by the discharge of any air contaminant for which no ambient air quality standards have been set under Section 1.6.1.

1.12 Permits.

1.12.1 Permits Required.

(a) Permit to Construct. Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of or an increase in the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain authorization for such construction from the Director in the form of a Permit to Construct. A Permit to Construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application is canceled.

(b) Permit to Operate.

(1) Before any article, machine, equipment or other contrivance described in paragraph (a) may be operated or used, a written permit shall be obtained from the Director. No permit to operate shall be granted for any article, machine, equipment or contrivance described in paragraph (a), constructed or installed without authorization as required by paragraph (a), until the information required is presented to the Director and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards established by the Commission.

(2) Any article, machine, equipment or other contrivance described in paragraph (a) which is presently operating (or which is not presently operating but which is capable of being operated) without a Permit to Operate, may continue to operate (or may restart) only if its owner or operator obtains a Permit to Operate prior to a date to be set by the Director (or prior to restarting).

(3) The Director shall have the authority to decide cases where an article, machine, equipment, or other contrivance is not clearly subject to nor exempt from the application of this Part. In addition, the Director may rule that a particular article, machine, equipment or other contrivance is subject to the application of this Part even though it is exempt from the system according to Sections 1.12.1 and 1.12.2 of this Part. The operator or builder of such an article, a machine, equipment or other contrivance may appeal the Director's classification to the Commission, which shall overrule the Director only if it is shown that he acted arbitrarily and contrary to the purposes of the Act.

(c) Display of Permit to Operate. A person who has been granted a Permit to Operate any article, machine, equipment, or other contrivance shall keep such Permit under file or on display at all times at the site where the article, machine, equipment, or other contrivance is located and will make such a permit readily available for inspection by any and all persons who may request to see it.

1.12.2 Exemptions. From time to time the Director may specify certain classes or sizes of articles, machines, equipment, or other contrivances which would normally be subject to the requirement to obtain Permits to Operate or Construct, as being exempt from the requirement to obtain such permits. Exempt sources are subject in every other way to these rules and regulations.

1.12.3 Transfer. A Permit to Construct or Operate shall not be transferable whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

1.12.4 Applications. Every application for a Permit to Construct or Operate required under Section 1.12.1 shall be filed in the manner and form prescribed by the Director and shall give all the information necessary to enable the Director to make the determination required by Section 1.12.3.

1.12.5 Cancellation of Applications. A Permit to Construct shall expire and the application shall be canceled two years from the date of issuance of the Permit to Construct if the construction has not begun.

1.12.6 Action on Application. The Director shall act, within a reasonable time, on an application for Permit to Construct, Permit to Operate and shall notify the applicant in writing of its approval, conditional approval or denial.

1.12.7 Provision of Sampling and Testing Facilities. A person operating or using any article, machine, equipment or other contrivance for which these rules and regulations require a permit shall provide and maintain such sampling and testing facilities as specified in the Permit to Construct or Permit to Operate.

1.12.8 Standards for Granting Applications.

(a) The Director shall deny a permit except as provided by Section 1.12.9, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of these rules and regulations.

(b) The Director shall deny a permit if the applicant does not present, in writing, a plan whereby the emission of air contaminants by every article, machine, equipment, or other contrivance described in the permit application, will be reduced during periods of an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency in accordance with the provisions of Chapter 2.

(c) Before a Permit to Construct or Permit to Operate is granted, the Director may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the Permit to Construct or Permit to Operate. In the event of such a requirement, the Director shall notify the applicant in writing of the required size, number and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment.

(d) The Director may also require the applicant to install, use, and maintain such monitoring equipment or methods; sample such emissions in accordance with such methods, at such locations, intervals and procedures as may be specified; and provide such information as the Director may require.

(e) Before acting on an application for Permit to Construct or Permit to Operate, the Director may require the applicant to furnish further information or further plans or specifications.

(f) In acting upon a Permit to Operate, if the Director finds that the article, machine, equipment or other contrivance has been constructed not in accordance with the Permit to Construct, and if the changes noted are of a substantial nature in that the amount of air contaminants emitted by the article, machine, equipment or other contrivance may be increased, or in that the effect is unknown, then he shall deny the Permit to Operate. The Director shall not accept any further application for a Permit to Operate until the article, machine, equipment or other contrivance has been reconstructed in accordance with the Permit to Construct, or until the applicant has proven to the satisfaction of the Director that the change will not cause an increase in the emission of air contaminants.

(g) The Director shall deny a Permit to Construct where he determines that the construction and operation of such source will interfere with attaining or maintaining any primary or secondary standard established by Section 1.6.1 or will allow significant deterioration of existing air quality.

(h) In granting any Permit to Operate, the Director may allow, as a condition of such permit, for the intermittent discharge of air contaminants, during startup, shut down, rate change or load change, in excess of the limitations specified in these rules and regulations where he finds that because of the nature of the source there is no practicable alternative.

1.12.9 Conditional permit.

(a) The Director may issue a Permit to Construct or a Permit to Operate subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Section 1.12.8, in which case the conditions shall be specified in writing. Commencing work under such a Permit to Construct or a Permit to Operate shall be deemed acceptance of all the conditions specified. The Director shall issue a Permit to Construct or a Permit to Operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Section 1.12.8 under the revised conditions.

(b) A Conditional Permit may allow an article, machine, equipment or other contrivance to be operated in violation of the conditions of Section 1.12.8 if one of the conditions of the permit is a definite schedule by which the article, machine, equipment, or contrivance may attain the conditions of Section 1.12.8 and be granted a Permit to Operate, and if the schedule provides for attaining the conditions of Section 1.12.8 at the earliest possible date and is approved by the Director. A Conditional Permit will be revoked if the applicant does not submit progress reports to the Director according to the schedule established by the Conditional Permit. The Director may further revoke the Conditional Permit if the progress reports do not show satisfactory progress as specified by the terms of the Conditional Permit or if the progress reports are found to be inaccurate.

(c) A Conditional permit that allows any new article, machine, equipment or contrivance to operate in violation of the requirements of Section 1.12.8 may not be granted for a period of time greater than one year, including all renewals.

(d) No Conditional Permit issued under this Section for any existing article, machine, equipment or contrivance may be granted for a period of time longer than the greater of the following periods:

(1) The period from the granting of the permit to a date three years after the

date the Administrator of the U. S. Environmental Protection Agency approves, in accordance with Section 110 of the Federal Act, such applicable rule or regulation as a part of an implementation plan (or any revision thereof).

1.12.10 Temporary Permit to Operate. Upon application for a Permit to Operate by a new facility, the Director shall, within a reasonable period of time, dispatch an inspector to the facility in question. If the inspector determines that the facility has been constructed according to the specifications as set forth under the Permit to Construct, or else that any changes to the facility would reduce or effect to an unsubstantial degree that quantity of air contaminants emitted by the facility, and if a reviewing officer of the Division agrees with this conclusion, then the Director shall issue a temporary Permit to Operate which will remain in force until an official inspection of the facility under actual operating conditions can be made and the results reviewed, or until the Temporary Permit is suspended or revoked by the Director. The Director may issue a Temporary Permit to Operate without an inspection if the applicant fulfills the following requirements:

(a) The application for a Permit to Construct is filled out and countersigned by a Professional Engineer familiar with air pollution control as it relates to the equipment under application.

(b) Upon completion of the construction, a Professional Engineer familiar with the Permit to Construct submits a letter to the Director, signed and sealed with his professional stamp, testifying that the construction under application has been completed and is in accordance with the specification as set down in the Permit to Construct. The Director, is empowered to reject the testimony of the Professional Engineer if the Director decides that the Professional Engineer's qualifications are insufficient to allow him to accurately and completely assess the equipment in question. A Professional Engineer may appeal any such judgement to the Commission.

1.12.11 Denial of Application. In the event of denial of a Permit to Construct or Permit to Operate, the Director shall notify the applicant in writing of the reason therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Director shall not accept a further application unless the applicant has complied with the objections specified by the Director as its reasons for denial of the Permit to Construct or the Permit to Operate.

1.12.12 Appeals. Within 10 days after notice by the Director of denial or conditional approval of a Permit to Construct or Permit to Operate, the applicant may petition the Commission, in writing, for a review. The Commission may sustain or reverse the action of the Director; such order may be made subject to specified conditions.

1.12.13 The holder of a Permit under this Part shall comply with conditions contained in such Permit as well as all applicable provisions of these rules and regulations except where violations are specifically allowed in accordance with a Conditional Permit issued under Section 1.12.9.

1.13 Variances.

1.13.1 Petition Procedures.

(a) Any person subject to any rule or regulation, requirement or order, may petition the Commission for a variance from the application thereof as prescribed by the Act. A petition for a variance must state the following:

(1) The name, address and telephone number of the petitioner, or other person authorized to receive service of notices.

(2) Whether the petitioner is an individual, partnership, corporation or other entity, and names and address of the officers, if a corporation, and names and address of the persons in control, if other entity.

(3) The type of business or activity involved in the application and the street address at which it is conducted.

(4) A brief description of the article, machine, equipment or other contrivance, if any, involved in the petition.

(5) The signature of the petitioner, or that of some person on his behalf, and, where the person signing is not the petitioner, the authority to sign.

(6) The rule or regulation, requirement or order complained from which a variance is requested.

(7) The facts showing why compliance with such rule or regulation, requirement or order would impose serious hardship on the petitioner or on any other person or persons without equal or greater benefits to the public.

(8) The facts showing why the emissions occurring or proposed to occur do not endanger or tend to endanger human health or safety, human comfort, and aesthetic values.

(9) For what period of time the variance is sought and why.

(10) Provisions of the rule or regulation, requirement or order which the petitioner can meet and the date when petitioner can comply with such provisions.

(11) Whether or not any case involving the same identical equipment or process identified in subparagraph (4) above is pending in any court, civil or criminal.

(b) All petitions shall be typewritten, double spaced, on legal or letter size paper, on one side of the paper only.

1.13.2 Failure to Comply with Procedures.

(a) The Director shall not accept for filing, any petition which does not comply with these rules and regulations relating to the form, filing and service of petitions unless the Chairman or any two members of the Commission direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Commission.

(b) The Chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

1.13.3 Objection Procedures.

(a) A person may file a written objection to the grant of a variance within 21 days from initial advertised notice and thus insure that a public hearing will be held, according to Section 12(d) of the Act. An objection to the grant of a variance must state:

(1) The objector's name, address, and telephone number.

(2) Whether the objector is an individual, partnership, corporation or other entity, and names and address of the partners if a partnership, names and address of the officers if a corporation, and the names and the address of the persons in control if other entity.

(3) A specification of which petition for a variance is being objected to.

(4) A statement indicating why the objector believes that the variance should not be granted.

(b) All objections should be typewritten or carefully printed in ink on legal or letter size paper.

1.13.4 Rules of Evidence at Hearing.

(a) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If a petitioner or objector does not testify in his own behalf he may be called and examined as if under cross-examination.

(b) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be submitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

1.14 Circumvention. No person shall cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes any emission of air contaminant which would otherwise violate these rules and regulations.

1.15 Severability. The provisions of these rules and regulations and the various applications thereof are declared to be severable and if any chapter, part, section, paragraph, subparagraph, subdivision, clause, or phrase of these rules and regulations shall be adjudged to be invalid or unconstitutional by any court of competent jurisdiction, the judgement shall not affect, impair or invalidate the remainder of these rules and regulations, but shall be confined in its operation to the chapter, part, section, paragraph, subparagraph, subdivision, clause, or phrase of these rules and regulations that shall be directly involved in the controversy in which such judgement shall have been rendered.

Chapter 2 --- Air Pollution Emergency

2.1 Air Pollution Emergency. The Director is authorized and empowered to enforce or require enforcement of any provisions of this Chapter throughout the State of Alabama.

2.2 Episode Criteria. When the Director determines that conditions justify the proclamation of an air pollution episode stage, due to the accumulation of air contaminants in any place within the State, attaining levels which could, if sustained or exceeded, lead to a substantial threat to the health of persons, he shall be guided by the following criteria.

2.2.1 Episode stages shall be determined and declared upon the basis of average concentrations recorded at any monitoring station in the State.

2.2.2 If contamination and meteorology warrant, any advanced episode stage may be declared by the Director without first declaring a lesser degree of Alert or Watch. The Director shall, at his discretion, declare a lesser stage, the termination or the continuance of the advanced episode stage during such times when contamination and meteorological conditions moderate significantly after an advanced episode stage has been declared.

2.2.3 Episode Watch. The Director shall declare an Episode Watch when one or more of the following events take place.

(a) An Atmospheric Stagnation Advisory is issued by the National Weather Service, stating that atmospheric conditions marked by a slow moving high pressure system, light winds, and temperature inversions are expected to affect the State of Alabama or portions thereof for the next 36 hours.

(b) A forecast by local meteorologist that stagnant atmospheric conditions as described above could result in high air pollution levels in Alabama or portions thereof.

(c) Validated reports of abnormally high air pollution measurements, specifically, reaching or exceeding 50 percent of the Alert level of Section 2.2.4 for at least three consecutive hours at a given locality in the State.

2.2.4 Alert. The Director shall declare an Alert when any one of the following contaminant concentrations is measured at any monitoring site, and due to adverse meteorological conditions can be expected to remain at these levels or higher for the next 12 hours or more unless control measures are taken:

(a) Sulfur Dioxide. Measured by continuous coulometric or colorimetric analyzer, or equivalent.

24-hour average, 0.30 ppm (300 $\mu\text{g}/\text{m}^3$)

(b) Particulates. Measured by sequential tape sampler, two-hour accumulations (soiling index).

24-hour average, 3.0 CONS per 1000 linear feet
or measured by Hi Vol (high volume sampler), 24-hour accumulation.

24-hour average, 375 $\mu\text{g}/\text{m}^3$

(c) Sulfur Dioxide and Particulates Combined. Product of concurrent 24-hour average concentrations.

sulfur dioxide, ppm, times particulates, CONS, equals 0.2

sulfur dioxide, $\mu\text{g}/\text{m}^3$, times particulates, $\mu\text{g}/\text{m}^3$, equals 65,000

(d) Carbon Monoxide. Measured by continuous non-dispersive infrared analyzer, or equivalent.

8-hour average, 15 ppm (17 $\mu\text{g}/\text{m}^3$)

(e) Nitrogen Dioxide. Measured by continuous analyzer, or equivalent.

24-hour average, 0.15 ppm (292 $\mu\text{g}/\text{m}^3$)

or 1-hour average, 0.6 ppm (1130 $\mu\text{g}/\text{m}^3$)

(f) Photochemical Oxidants. Measured by continuous chemiluminescent analyzer or equivalent.

1-hour average, 0.1 ppm (200 $\mu\text{g}/\text{m}^3$)

2.2.5 Warning. A Warning shall be declared by the Director when the concentrations of any of the following air contaminants measured at any monitoring site and due to adverse meteorological conditions can be expected to remain at these levels or higher for the next 12 hours or more unless control measures are taken:

(a) Sulfur Dioxide. Measured by continuous coulometric or colorimetric analyzer, or equivalent.

24-hour average, 0.6 ppm (1600 $\mu\text{g}/\text{m}^3$)

(b) Particulates. Measured by sequential tape sampler, two-hour accumulations (soiling index).

24-hour average, 5.0 COHS per 1000 linear feet
or measured by Hi Vol, 24-hour accumulation:

24-hour average, 625 $\mu\text{g}/\text{m}^3$

(c) Sulfur Dioxide and Particulates Combined. Product of concurrent 24-hour average concentration.

sulfur dioxide, ppm, times particulates, COHS, equals 0.8

or sulfur dioxide, $\mu\text{g}/\text{m}^3$, times particulates, $\mu\text{g}/\text{m}^3$, equals 261,000

(d) Carbon Monoxide. Measured by continuous non-dispersive infrared analyzer or equivalent.

8-hour average, 30 ppm (34 mg/m^3)

(e) Nitrogen Dioxide. Measured by continuous analyzer, or equivalent.

24-hour average, 0.30 ppm (565 $\mu\text{g}/\text{m}^3$)

1-hour average, 1.20 ppm (2260 $\mu\text{g}/\text{m}^3$)

(f) Photochemical Oxidants. Measured by continuous chemiluminescent analyzer, or equivalent.

1-hour average, 0.40 ppm (800 $\mu\text{g}/\text{m}^3$)

2.2.6 Emergency. When the following concentrations of air contaminants have been reached or due to meteorological conditions can be expected to reach or exceed these levels at any monitoring site in the State for a period of 12 hours or more unless control actions are taken, the Director shall declare an Emergency:

(a) Sulfur Dioxide. Measured by continuous coulometric or colorimetric analyzer, or equivalent.

24-hour average, 0.8 ppm (2100 $\mu\text{g}/\text{m}^3$)

(b) Particulates. Measured by sequential tape sampler, two-hour accumulations (soiling index).

24-hour average, 7.0 COHS per 1000 linear feet
or measured by Hi Vol, 24-hour accumulation

24-hour average, 875 $\mu\text{g}/\text{m}^3$

(c) Sulfur Dioxide and Particulates Combined. Product of concurrent 24-hour average concentrations.

sulfur dioxide, ppm, times particulates, COHS, equals 1.2

or sulfur dioxide, $\mu\text{g}/\text{m}^3$, times particulates, $\mu\text{g}/\text{m}^3$, equals 393,000

(d) Carbon Monoxide. Measured by continuous non-dispersive infrared analyzer, or equivalent.

8-hour average, 40 ppm (46 mg/m^3)

(e) Nitrogen Dioxide. Measured by continuous analyzer, or equivalent.

24-hour average, 0.40 ppm (750 $\mu\text{g}/\text{m}^3$)

1-hour average, 1.60 ppm (3000 $\mu\text{g}/\text{m}^3$)

(f) Photochemical Oxidants. Measured by continuous chemiluminescent analyzer, or equivalent.

1-hour average, 0.60 ppm (1200 $\mu\text{g}/\text{m}^3$)

2.2.7 Termination.

(a) The status reached by application of the Episode Criteria of this part shall remain in effect until the criteria for that level is no longer met. At such time, the next lower status will be assumed and such changes declared by the Director. Specifically:

(1) When ambient contaminant concentrations fall below the critical levels for the stage, and a downward trend of concentrations is established; and

(2) When meteorological conditions that attended the high concentrations are no longer called for in official weather predictions.

(b) A public declaration will take on one of the following forms.

(1) Terminate "Emergency Status", resume "Warning Status" or "Alert Status"; whichever is appropriate.

(2) Terminate "Warning Status", resume "Alert Status" or appropriate stage.

(3) Terminate "Episode Status".

(c) Upon termination of an "Episode Status", the Division of Air Pollution Control will remain on internal "Episode Watch" until a return to normal operation is announced by the Division Director.

2.2.8 Status Declaration Authority. The Director, Division of Air Pollution Control, or his duly authorized agent, shall have the authority to make an announcement of internal Episode Watch, and public declarations of Alert, Warning and Emergency Status.

2.3 Special Episode Criteria.

2.3.1 The Director shall have the authority to declare episodic conditions when the atmospheric concentration of a single contaminant or that of a specific locality within the State show elevated concentrations.

2.3.2 Specific Pollutant Situation. When concentrations of one or two contaminants reach or exceed the defined criteria levels, and concentration of other contaminants remain substantially below 50 percent of Alert levels, and meteorological conditions are such that these specific contaminant concentrations can be expected to remain at the above levels for 12 hours or more or increase unless control action is taken, a Specific Alert, Warning, or Emergency Status shall be declared by the Director, naming the contaminants that meet the respective criteria. In such instances when two such contaminants meet different criteria, the Director shall declare the status for the episode having the higher level, and that an Episode Watch is being maintained on the remaining contaminants.

2.3.3 Specific Locality Situation. The Director shall, when high concentrations of one or more contaminant measured at one monitoring site and not others and the effect is judged to originate from an identifiable source near the given site, shall declare the appropriate local Alert, Warning, or Emergency Status for the delineated area and that an Episode Watch is in effect for any remaining portion of the jurisdictional area while meteorological conditions favor the maintenance or increase of said high concentration for at least 12 hours or more unless control action is taken.

2.4 Emission Reduction Plans. Upon declaring an Episode Watch, Alert, Warning, or Emergency, the Director shall order persons responsible for the operation of a source of air contaminants causing or contributing to such episode to take the general measures outlined in the Emergency Episode Plan for the State of Alabama (dated November 1971, prepared by TRM, Inc.) or revision thereof, as he deems appropriate, in addition to all specific source curtailments designated by him.

2.5 Two Contaminant Episode. The Director shall declare an Alert, Warning, or Emergency Status specific for two contaminants when the ambient concentrations of two contaminants simultaneously reach or exceed their respective Episode Criteria of this Chapter and meteorological conditions are such that contaminant concentrations can be expected to remain at those criteria levels for 12 or more hours or increase unless control actions are taken. When criteria levels correspond to different episode status for two contaminants, the Director shall declare the status of the higher of the two.

2.6 General Episodes. The Director shall, in the event that ambient concentrations of three or more contaminants simultaneously reach or exceed their respective Episode Criteria and no improvement in meteorological conditions is forecast for the next 12 hours, declare a General Alert, Warning, or Emergency Status. In the event the criteria levels correspond to different statuses for each contaminant, the Director shall declare a general status corresponding to the highest individual status.

2.7 Emission Reduction Plan for Local Episodes.

2.7.1 The Director shall specify the area of the State affected when a Local Alert, Warning or Emergency Status is declared, or when an Accidental Episode for Common contaminants occurs, based upon air quality and meteorological reports and predictions.

2.7.2 When the Director declares such a local episode, any person responsible for the operation from which excess emissions results, shall shut down such an operation and make repairs or alter the process as required by the Director to restore normal operations.

2.7.3 When the Director declares that a Local Alert, Warning, or Emergency Status is in effect for a delineated area, corresponding General Measures shall be applied as detailed in Part 2.2, depending upon which contaminant(s) is/are being emitted in excess.

2.8 Emission Reduction Plans for Other Sources.

2.8.1 Any person responsible for the operation of a source of air contaminants as determined by the Director shall prepare standby plans for reducing the emissions of air contaminants during periods of an Episode Alert, Warning, and Emergency. Standby plans shall be designed to reduce or eliminate emissions of air contaminants in accordance with the objectives set forth in Part 2.2.

2.8.2 Any person responsible for the operation of a source of air contaminants not designated by the Director shall when requested by the Director in writing, prepare standby plans for reducing the emission of air contaminants during periods of Episode Alert, Warning, and Emergency. Standby plans shall be designed to reduce or eliminate emissions of air contaminants in accordance with the objectives set forth in Part 2.2.

2.8.3 Standby plans as required under Section 2.8.1 shall be in writing and identify the sources of air contaminants, the amount of reduction of contaminants and a brief description of the manner in which reduction will be achieved during Episodes of Alert, Warning, and Emergency.

2.8.4 During Episodes of Alert, Warning, and Emergency Status, standby plans as required by this Chapter shall be made available on the premises to any person authorized to enforce the provisions of applicable rules and regulations.

2.8.5 Standby plans as required by these rules and regulations shall be submitted to the Director upon request within 30 days of the receipt of such request; such standby plans shall be subject to review and approval by the Director. If in the opinion of the Director, a standby plan does not effectively carry out the objectives as set forth in these rules and regulations, the Director may disapprove it, state the reason for disapproval and order the preparation of an amended standby plan within the time period specified in the order.

2.9 Other Authority Not Affected. The provisions of this Chapter shall in no way affect the power and authority of the Governor, Chairman, or Director as it pertains to Emergency Procedures as provided in Section 11 of the Act.

Chapter 5 -- Control of Open Burning and Incineration.

3.1 Open Burning. No person shall ignite, cause to be ignited, permit to be ignited, or maintain any open fire except as follows:

3.1.1 Open fires for the cooking of food for human consumption on other than commercial premises;

3.1.2 Fires for recreational or ceremonial purposes;

3.1.3 Fires to abate a fire hazard, providing the hazard is so declared by the fire department or fire district having jurisdiction;

3.1.4 Fires for prevention or control of disease or pests;

3.1.5 Fires for training personnel in the methods of fighting fires;

3.1.6 Fires for the disposal of dangerous materials, where there is no practical alternate method of disposal, and burning is approved by the Director;

3.1.7 Fires set for recognized agricultural, silvicultural, range and wildlife management practices;

3.1.8 Fires set in salamanders or other devices used by construction or other workers for heating purposes;

3.1.9 Fires for the burning of trees, brush, grass and other vegetable matter in the clearing and maintenance of rights-of-way if such burning is done by the air-curtain incinerator method, properly constructed and maintained, or an equivalent method specifically approved by the Director;

3.1.10 Open fires specifically or expressly approved by the Director.

3.2 Incinerators.

3.2.1 Incinerators shall be designed and operated in such manner as is necessary to prevent the emission of objectionable odors.

3.2.2 No person shall cause or permit to be emitted into the open air from any incinerator, particulate matter in the exhaust gases to exceed 0.20 pounds per 100 pounds of refuse charged.

3.2.3 Emission tests shall be conducted at maximum burning capacity of the incinerator.

3.2.4 The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Director in accordance with good engineering practices. In case of conflict, the determination made by the Director shall govern.

3.2.5 For the purposes of this Part, the total of the capacities of all furnaces within one system shall be considered as the incinerator capacity.

3.3. Wood Products and By-products Incineration.

3.3.1 No person shall cause or permit to be emitted into the open air from any incinerator which incinerates wood products and by-products, particulate matter in the exhaust gases to exceed 0.40 pounds per 100 pounds of material charged.

3.3.2 Emission tests shall be conducted at maximum burning capacity of the incinerator.

3.3.3 The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Director in accordance with good engineering practices. In case of conflict, the determination made by the Director shall govern.

3.3.4 For the purposes of this Part, the total of the capacities of all furnaces within one system shall be considered as the incinerator capacity.

3.3.5 Each incinerator subject to this Part shall be properly designed, equipped, and maintained for its maximum rated burning capacity and shall be equipped with an underfire forced air system, an overfire air recirculation secondary combustion system, and variable control damper, all of which shall be electronically controlled to insure the optimum temperature range for the complete combustion of the amount and type of material waste being charged into the incinerator. Each such incinerator shall be equipped with a temperature recorder which shall be operated continuously with the incinerator and the temperature records shall be made available for inspection at the request of the Director.

4.1 Visible Emissions.

4.1.1 Visible Emissions Restrictions for Stationary Sources.

(a) No person shall discharge into the atmosphere from any single source of emission whatsoever any air contaminant of a shade or density darker than that designated as No. 1 on the Ringelmann chart or 20 percent opacity.

(b) A person may discharge into the atmosphere from any single source of emission for a period or periods aggregating not more than three minutes in any 60 minutes air contaminants of a shade of density not darker than that designated as No. 3 on the Ringelmann chart or 60 percent opacity.

(c) The Director may approve exceptions to this Section for specific sources which hold permits under Part 1.12; provided however, such exceptions may be made for startup, shutdown, load change, and rate change or other short, intermittent periods of time upon terms approved by the Director and made a part of such permit.

(d) The provisions of this Section shall not apply to combustion sources in single-family and duplex dwellings where such sources are used for heating or other domestic purposes.

4.1.2 Visible Emissions Restrictions for Mobile Sources.

(a) No person shall cause or permit the emission of visible air contaminants from gasoline-powered motor vehicles, operated upon any street, highway, or other public place, for longer than 5 consecutive seconds.

(b) No person shall cause or permit the emission of visible air contaminants from diesel-powered motor vehicles and other movable sources of a shade or density darker than that designated as No. 1 on the Ringelmann chart or 20 percent opacity for longer than 5 consecutive seconds.

4.1.3 Uncombined Water. Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of this Part, such sections shall not apply.

4.2 Fugitive Dust.

4.2.1 No person shall cause, suffer, allow, or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or a road to be used, constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable

(a) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

(b) Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stock piles, and other surfaces which create airborne dust problems;

(c) Installation and use of hoods, fans, and fabric filters (or other suitable control devices) to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations.

4.2.2 Visible Emissions Restrictions Beyond Lot Line. No person shall cause or permit the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate.

4.2.3 When dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance or to violate any rule or regulation, the Director may order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that all air and gases and air or gas-borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air.

4.3 Fuel Burning Equipment.

4.3.1 Class 1 Counties: No person shall cause or permit the emission of particulate matter from fuel-burning equipment in a Class 1 county in excess of the amount shown in Table 4-1 for the heat input allocated to such source. For sources in Class 1 counties, interpolation of the data in Table 4-1 for heat input values between 10 million BTU/hr and 250 million BTU/hr shall be accomplished by the use of the equation:

$$E = 1.38H^{-0.44}$$

where: E = Emissions in lb/million BTU

H = Heat Input in millions of BTU/hr

4.3.2 Class 2 Counties. No person shall cause or permit the emission of particulate matter from fuel-burning equipment in a Class 2 county in excess of the amount shown in Table 4-1 for the heat input allocated to such source. For sources in Class 2 counties, interpolation of the data in Table 4-1 for heat input values between 10 million BTU/hr and 250 million BTU/hr shall be accomplished by the use of the equation:

$$E = 3.109H^{-0.589}$$

where: E = Emissions in lb/million BTU

H = Heat Input in millions of BTU/hr

4.3.3 For purposes of this Part, the total heat input from all similar fuel combustion units which discharge particulate matter through a common stack at a plant or premises shall be used for determining the maximum allowable emission of particulate matter.

4.3.4 New fuel-burning sources emitting particulate matter shall be subject to the rules and regulations for Class 1 Counties, Section 4.3.1, regardless of their location.

TABLE 4-1 ALLOWABLE PARTICULATE MATTER EMISSION BASED ON HEAT INPUT

Heat Input (millions of BTU/hr)	Allowable Emission (lb/million BTU)	
	Class 1 County	Class 2 County
1.	.5	.8
10.	.5	.8
20.	.37	.53
40.	.27	.35
60.	.23	.28
80.	.20	.24
100.	.18	.21
150.	.15	.16
200.	.13	.14
250.	.12	.12
1,000,000.	.12	.12

4.4 Process Industries - General.

4.4.1 Class 1 Counties: No person shall cause or permit the emission of particulate matter in any one hour from any source in a Class 1 county in excess of the amount shown in Table 4-2 for the process weight per hour allocated to such source. For sources in Class 1 counties, interpolation of the data in Table 4-2 for the process weight per hour values up to 60,000 lbs/hr shall be accomplished by use of the equation:

$$E = 59 P^{0.62} \quad P < 30 \text{ tons/hr}$$

and interpolation and extrapolation of the data for process weight per hour values equal to or in excess of 60,000 lbs/hr shall be accomplished by use of the equation:

$$E = 17.31 P^{0.16} \quad P \geq 30 \text{ tons/hr}$$

where: E = Emissions in pounds per hour

P = Process weight per hour in tons per hour.

4.4.2 Class 2 Counties: No person shall cause or permit the emission of particulate matter in any one hour from any source in a Class 2 county in excess of the amount shown in Table 4-2 for the process weight per hour allocated to such source. For sources in Class 2 counties interpolation of the data in Table 4-2 for the process weight per hour values up to 60,000 lbs/hr shall be accomplished by use of the equation:

$$E = 4.10 P^{0.67} \quad P < 30 \text{ tons/hr}$$

and interpolation and extrapolation of the data for process weight per hour values equal to or in excess of 60,000 lbs/hr shall be accomplished by use of the equation:

$$E = 55.0 P^{0.11} \quad P \geq 30 \text{ tons/hr}$$

where: E = Emissions in pounds per hour

P = Process weight per hour in tons per hour.

4.4.3 Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this Part, the interpretation that results in the minimum value for allowable emission shall apply.

4.4.4 For purposes of this Part, the total process weight from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks.

4.4.5 New sources subject to this Part emitting particulate matter shall be subject to the rules and regulations for Class 1 counties, Section 4.4.1, regardless of their location.

TABLE 4-2 ALLOWABLE PARTICULATE MATTER EMISSION BASED ON
PROCESS WEIGHT RATE

Process Weight Rate (lb/hr)	Allowable Emission Rate (lb/hr)	
	Class 1 County	Class 2 County
100	0.56	0.55
500	1.52	1.62
1,000	2.34	2.57
5,000	6.33	7.57
10,000	9.76	12.05
20,000	14.97	19.18
60,000	29.83	39.96
80,000	31.23	42.53
120,000	33.33	46.30
160,000	34.90	49.06
200,000	36.17	51.28
1,000,000	46.79	68.96

4.5 Small Foundry Cupola.

4.5.1 No person shall cause or permit the emission of particulate matter in any one hour from any small foundry cupola source in excess of the amount shown in Table 4-3 for the process weight per hour allocated to such source.

4.5.2 Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this Part, the interpretation that results in the minimum value for allowable emission shall apply.

4.5.3 For purposes of this Part, the total process weight from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks.

4.5.4 Foundry cupolas with a process weight rate greater than 50,000 pounds per hour shall be subject to the rules and regulations of Part 4.4.

TABLE 4-3 ALLOWABLE PARTICULATE MATTER EMISSION BASED ON PROCESS
WEIGHT RATE FOR SMALL FOUNDRY CUPOLAS

Process Weight (lb/hr)	Allowable Emission Rate (lb/hr)
1,000	3.05
2,000	4.70
3,000	6.35
4,000	8.00
5,000	9.58
6,000	11.30
7,000	12.90
8,000	14.30
9,000	15.50
10,000	16.65
12,000	18.70
16,000	21.60
18,000	23.40
20,000	25.10
30,000	31.30
40,000	37.00

4.6 Cotton Gins.

4.6.1. No person shall cause or permit the emission of particulate matter in any one hour from any cotton gin operation in excess of the amount shown in Table 4-4 for the process weight per hour allocated to such operation. Particulate matter emissions subject to this Part include process emissions and incinerator emissions if any; Provided, however, that this shall in no way relieve or affect the application of Chapter 3 to open burning and incineration at cotton gin operations.

4.6.2 Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this Part, the interpretation that results in the minimum value for allowable emission shall apply.

4.6.3 For purposes of this Part, the total process weight from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks.

TABLE 4-4 ALLOWABLE PARTICULATE MATTER EMISSION BASED ON PROCESS WEIGHT RATE FOR COTTON GINS

<u>Process weight Rate (lb/hr)</u>	<u>Allowable Emission Rate (lb/hr)</u>	<u>Process Weight Rate (lb/hr)</u>	<u>Allowable Emission Rate (lb/hr)</u>
1,000	1.6	9,000	13.7
1,500	2.4	10,000	15.2
2,000	3.1	12,000	18.2
2,500	3.0	14,000	21.2
3,000	4.7	16,000	24.2
3,500	5.4	18,000	27.2
4,000	6.2	20,000	30.1
5,000	7.7	30,000	44.9
6,000	9.2	40,000	59.7
7,000	10.7	50,000	64.0
8,000	12.2	60,000 or more	67.4

Chapter -- Control of Sulfur Compound Emissions.

5.1 Fuel Combustion.

5.1.1 Class 1 Counties. No person shall cause or permit the operation of a fuel burning installation in a Class 1 county in such a manner that sulphur oxides, measured as sulphur dioxide, are emitted in excess of 1.2 pound per million BTU heat input.

5.1.2 Class 2 Counties. No person shall cause or permit the operation of a fuel burning installation in a Class 2 county in such a manner that sulphur oxides, measured as sulphur dioxide, are emitted in excess of 1.5 pounds per million BTU heat input.

5.1.3 For purposes of this Part, the total heat input from all similar fuel combustion units at a plant or premises shall be used for determining the maximum allowable emission of sulphur dioxide that passes through a stack or stacks.

5.1.4 New sources emitting sulphur oxides, measured as sulphur dioxide, shall be subject to the regulations for Class 1 counties, Section 5.1.1, regardless of their location.

5.1.5 No person shall cause or permit the emission or combustion of any refinery process gas stream that contains H_2S in concentrations greater than 150 ppm without removal of the hydrogen sulfide in excess of this concentration.

5.2 Sulfuric Acid Plants. No person shall cause or permit sulphur dioxide tail gas emissions from sulfuric acid manufacturing plants to exceed 6.5 lb/ton of 100 percent sulfuric acid produced. The tail gas acid mist emissions are not to exceed 0.5 lb/ton of sulfuric acid produced and the sulphur trioxide emissions are not to exceed 0.2 lb/ton of sulfuric acid produced.

5.3 Sulfur Recovery Plants.

5.3.1 No person shall cause or permit the sulfur oxide emission from any existing sulfur recovery plant recovering sulfur from natural gas to exceed 0.16 pounds per pound of sulfur processed.

5.3.2 Except as provided by Section 5.3.1, no person shall cause or permit the sulfur oxide emission from a sulfur recovery plant to exceed 0.08 pounds per pound of

Chapter 10 -- Control of Hydrocarbon Emissions.

6.1 Storage of Volatile Organic Materials.

6.1.1 No person shall place, store, or hold in any stationary tank reservoir or other container of more than 60,000 gallons capacity any volatile organic compounds unless such tank, reservoir, or other container is a pressure tank capable of maintaining working pressures sufficient at all times to prevent vapor or gas loss to the atmosphere or is designed, and equipped with one of the following vapor loss control devices:

(a) A floating roof, consisting of a pontoon type, double deck type roof or internal floating cover, which will rest on the surface of the liquid contents and be equipped with a closure seal or seals to close the space between the roof edge and tank wall. This control equipment shall not be permitted if the volatile organic compounds have a vapor pressure of 11.0 pounds per square inch absolute (568 mm.Hg) or greater under actual storage conditions. All tank gauging or sampling devices shall be gas-tight except when tank gauging or sampling is taking place.

(b) A vapor recovery system, consisting of a vapor gathering system capable of collecting the volatile organic compound vapors and gases discharged and a vapor disposal system capable of processing such volatile organic vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(c) Other equipment or means of equal efficiency for purposes of air pollution control as may be approved by the Director.

(d) No person shall place, store, or hold in any new stationary storage vessel more than 1,000-gallon capacity any volatile organic compound unless such vessel is equipped with a permanent submerged fill pipe or is a pressure tank as described in paragraph (a) above, or is fitted with a system as described in paragraph (b) above. Existing stationary storage vessels shall employ portable submerged fill pipes or be equipped with permanent submerged fill pipes.

6.1.2 This Part shall not apply to crude petroleum produced, separated, treated or stored in the field.

6.2 Volatile Organic Materials Loading Facilities.

6.2.1 No person shall load any volatile organic compounds into any tank, truck or trailer from any terminal or bulk storage facility handling more than 50,000 gallons per day unless such terminal or facility is equipped with a vapor collection and disposal system, or its equivalent, properly installed, in good working order; and in operation a loading system which will result in a 95 per cent submerged fill either with a submerged fill pipe or by loading from the bottom.

6.2.2 No person shall load any volatile organic compounds into any tank, truck, or trailer having a capacity in excess of 200 gallons, unless such loading facility is equipped as set forth in Paragraph 6.2.1. Where the vapor collection and disposal system is utilized, the loading arm shall be equipped with a vapor collection adaptor, pneumatic, hydraulic, or other mechanical means which will provide a vapor-tight seal between the adaptor and the hatch. A means shall be provided to prevent liquid organic compounds drainage from the loading device when it is removed from the hatch of any tank, truck or trailer. When loading is effected through means other than the hatches, all loading lines shall be equipped with fittings which make vapor-tight connections and which close automatically when disconnected.

6.2.3 This Part shall not apply to crude petroleum produced, separated, treated or stored in the field.

6.3 Volatile Organic Compound Water Separation.

6.3.1 No person shall use any compartment of any single or multiple compartment volatile organic compound water separation which receives effluent water containing 1,000 gallons a day or more of any volatile organic compound from processing, refining, treating, storing, or handling volatile organic compounds unless such compartment is equipped with one of the following vapor loss control devices, properly installed, in good working order, and in operation.

(a) A container having all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(b) A container equipped with a floating roof, consisting of a pontoon type, double deck type roof, or internal floating cover, which will rest on the surface of the contents and be equipped with a closure seal or seals to close the space between the roof edge and container wall. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(c) A container equipped with a vapor recovery system consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all container gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(d) A container having other equipment of equal efficiency for purposes of air pollution control as may be approved by the Director.

6.4 Pumps and Compressors. All pumps and compressors handling volatile organic compounds shall have mechanical seals or other equipment of equal efficiency for purposes of air pollution control as may be approved by the Director.

6.5 Waste Gas Disposal. No person shall emit a waste gas stream from any ethylene producing plant into the atmosphere unless the waste gas stream is properly burned at 1,300°F for 0.3 seconds or greater in a direct-flame afterburner equipped with an indicating pyrometer which is positioned in the working area at the operator's eye level or an equally effective catalytic vapor incinerator also with pyrometer.

6.6 Organic Solvents.

6.6.1 A person shall not discharge into the atmosphere more than 15 pounds of organic materials in any one day, nor more than 3 pounds in any one hour, from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured or heat-polymerized, in the presence of oxygen, unless said discharge has

been reduced by at least 55 per cent. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

6.6.2 A person shall not discharge into the atmosphere more than 40 pounds of organic materials in any one day, nor more than 8 pounds in any one hour, from any article, machine, equipment or other contrivance used under conditions other than described in Section 6.6.1 for employing, or applying, any photochemically reactive solvent, as defined in Section 6.6.9, or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 85 per cent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in Section 6.6.1 shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

6.6.3 Emissions of organic materials to the atmosphere from the cleanup with photochemically reactive solvents, as defined in Section 6.6.2 of any article, machine, equipment, or other contrivance described in Sections 6.6.1 or 6.6.2, shall be included with the other emissions of organic materials from that article, machines, equipment, or other contrivance for determining compliance with this rule.

6.6.4 Emissions of organic materials into the atmosphere required to be controlled by Sections 6.6.1 and 6.6.2, shall be reduced by:

(a) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

(b) Adsorption, or

(c) Processing in a manner determined by the Director to be not less effective than paragraphs (a) or (b) above.

6.6.5 A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this Part shall provide, properly install, and maintain in calibration, in good working order and in operation, devices as specified in the permit to construct or the permit to operate, or as specified by the Director, for indicating temperatures, pressures, rates of flow, or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

6.6.6 Any person using organic solvents or any materials containing organic solvents shall supply the Director, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties, and amount consumed for each organic solvent used.

6.6.7 The provisions of this Part shall not apply to:

(a) The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

(b) Paint spray booth installations.

(c) The employment, application, evaporation or drying of saturated halogenated hydrocarbons or organic compounds in which all olefinic groups contain 3 or more hydrogen atoms.

(d) The use of any material in any article, machine or equipment described in Sections 6.6.1, 6.6.2, or 6.6.3, if:

(1) The volatile content of such material consists only of water and organic solvents, and

(2) The organic solvents comprise not more than 20 per cent of said volatile content, and

(3) The volatile content is not photochemically reactive as defined in Section 6.6.9.

(e) Coatings applied to permanently located structures or surfaces.

6.6.8 For the purposes of this Part, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

6.6.9 For the purposes of this Part, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

(a) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

(b) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent;

(c) A combination of ethylbenzene, ketones having branched hydrocarbon structures, or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

6.6.10 For the purposes of this Part, organic materials are defined as chemical compounds of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates, and ammonium carbonate.

6.7 Disposal and Evaporation of Solvents. A person shall not, during any one day, dispose of a total of more than 1.5 gallons of any photochemically reactive solvent, as defined in Section 6.6.9, or of any material containing more than 1.5 gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.

6.8 Application of Chapter. The provisions of Parts 6.4, 6.5, 6.6, and 6.7 shall only apply to Mobile County.

Chapter 7 -- Control of Carbon Monoxide Emissions.

7.1 No person shall emit the carbon monoxide gases generated during the operation of a grey iron cupola, blast furnace, or basic oxygen steel furnace unless they are burned at 1,300°F for 0.3 seconds or greater in a direct flame afterburner or equivalent device equipped with an indicating pyrometer which is positioned in the working area at the operator's eye level.

7.2 No person shall emit carbon monoxide waste gas stream from any catalyst regeneration of a petroleum cracking system, petroleum fluid coker, or other petroleum process into the atmosphere, unless the waste gas stream is burned at 1,300°F for 0.3 seconds or greater in a direct-flame afterburner or boiler equipped with an indicating pyrometer which is positioned in the working area at the operator's eye level.

Chapter 8 -- Control of Nitrogen Oxides Emissions.

8.1 New Combustion Sources.

8.1.1 No person shall cause or permit emissions of nitrogen oxides from a new gas-fired boiler with a capacity of 250 million BTU/hr or more in excess of 0.20 pounds per million BTU of heat input per hour.

8.1.2 No person shall cause or permit emissions of nitrogen oxides from a new oil-fired boiler with a capacity of 250 million BTU/hr or more in excess of 0.30 pounds per million BTU of heat input per hour.

8.1.3 No person shall cause or permit emission of nitrogen oxides from a new coal-fired boiler with a capacity of 250 million BTU per hour or more in excess of 0.7 pounds per million BTU of heat input per hour.

8.1.4 For purposes of this Part, the total heat input from all similar fuel combustion units at a plant or premises shall be used for determining the maximum allowable emission of nitrogen oxides that passes through a stack or stacks.

8.2 Nitric Acid Manufacturing. No person shall cause or permit the emission of nitrogen oxides calculated as nitrogen dioxide, from nitric acid manufacturing plants in excess of 5.5 pounds per ton of 100 percent acid produced.

Chapter 1 -- General Provisions.

1.1 Structure and Numbering of Rules and Regulations.

1.1.1 Title and Scope. The provisions contained in these rules and regulations shall be known and may be cited as the Alabama Air Pollution Control Rules and Regulations, and shall apply to all activities and all persons in the State of Alabama, including Federal activities.

1.1.2 Chapters. The normal division of these rules and regulations are chapters, which should encompass a broad subject matter. Chapters are numbered consecutively in Arabic throughout the rules and regulations.

1.1.3 Parts. The normal division of chapters are parts. A part should be devoted to a specific subject matter within a chapter. Parts are numbered consecutively in Arabic throughout each chapter and shall include the number of the chapter set off by a decimal point. Thus, the part number for part 15 within Chapter 3 is 3.15.

1.1.4 Sections. The normal divisions of parts are sections. The section is the basic unit of these rules and regulations. Sections are numbered consecutively in Arabic throughout each part and shall include the numbers of the part set off by a decimal point. Thus, the section number for section 26 of Part 3.15 is 3.15.26.

1.1.5 Internal Division of Sections. Whenever internal divisions are necessary, sections shall be subdivided into paragraphs, paragraphs into subparagraphs, and subparagraphs into subdivisions, designated as follows:

Terminology:

Illustrative symbol:

Paragraph

(a)

Subparagraph

(1)

Subdivision

(i)

1.1.6 Promulgation Procedure. All requirements and provisions subject to inclusion in these rules and regulations shall be drafted as amendments to the Alabama Air Pollution Control Rules and Regulations and prepared in accordance with the provisions of this part and with, insofar as it applies and does not conflict with this part, the provisions of Part 17 of Title 1 of the Code of Federal Regulations, as the same may be amended or revised.

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1.2 Definitions.

1.2.1 Meaning of Terms. As used in these rules and regulations, terms shall have the meanings ascribed in this part.

"Act" shall mean the Alabama Air Pollution Control Act of 1971, Act No. 769, Regular Session, 1971.

"Air Contaminant" shall mean any solid, liquid, or gaseous matter, any odor, or any combination thereof, from whatever source.

"Air Pollution" shall mean the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life, or property, or would interfere with the enjoyment of life or property throughout the State and in such territories of the State as shall be affected thereby.

"Air Pollution Emergency" shall mean a situation in which meteorological conditions and/or contaminant levels in the ambient air reach or exceed the levels which may cause imminent and substantial endangerment to health.

"Chairman" shall mean the Chairman, or in his absence, the Vice Chairman, of the Commission.

"Commission" shall mean the "Air Pollution Control Commission of the State of Alabama" established by the Act.

"Commenced" shall mean that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a binding agreement or contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

"Construction" shall mean fabrication, erection, or installation of an affected facility.

"Control" shall mean any device which has the function of controlling the emissions from a process, fuel-burning, or refuse-burning device and thus reduces the creation of, or the emission of air contaminants into the atmosphere, or both.

"Control Strategy" shall mean a collection of various emission standards selected for the different categories of sources.

"Control Regulation" shall mean a legally enforceable emission control strategy.

"County Classification" shall mean the designation Class 1 County or Class 2 County. All facilities, plants or other installations shall be subject to the restrictions on air pollution emissions specific to the county classification of the county in which they are located.

(a) A "Class 2 County" shall mean a county in which:

(1) More than 50 percent of the county population resides in a non-urban place, as defined by the U.S. Department of Commerce Census Bureau for 1970.

(2) No secondary Nation Ambient Air Quality standard is being exceeded based on 1971 air quality measurements.

(b) A "Class 1 County" shall mean a county in which the conditions of either subparagraph (a)(1) or (a)(2) above or both are not met.

"Director" shall mean the Director of the Division of Air Pollution Control of the Department of Public Health which is established by the Act.

"Effluent Water Separator" shall mean any tank, box, sump, or other container in which any volatile organic compound floating on or entrained or contained in water entering such tank, box, sump, or other container is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

"Existing Source" shall mean any source in operation or on which construction has commenced on the date of initial adoption of an applicable rule or regulation; except that any existing source which has undergone modification after the date of initial adoption of an applicable rule or regulation, shall be reclassified and considered a new source.

"Emission" shall mean a release into the outdoor atmosphere of air contaminants.

"Employee" shall mean any employee of the Commission or Division.

"Federal Act" shall mean the Clean Air Act (42 U.S.C. 1856 et seq.) as last amended, and as may hereafter be amended.

"Fuel-Burning Equipment" shall mean any equipment, device, or contrivance and all appurtenances thereto, including ducts, breechings, fuel-feeding equipment, ash removal equipment, combustion controls, stacks and chimney, used primarily, but not exclusively, to burn any fuel for the purpose of indirect heating in which the material being heated is not contacted by and adds no substance to the products of combustion.

"Fugitive Dust" shall mean solid air-borne particulate matter emitted from any source other than a flue or stack.

"Heat Available" shall mean the aggregate heat content of all fuels whose products of combustion pass through a stack or stacks.

"Heat Input" shall mean the equipment manufacturer's or designer's nameplate or actual (whichever is greater) capacity of the fuel combustion unit.

"Incinerator" shall mean any equipment, device or contrivance and all appurtenances thereof used for the destruction by burning of solid, semi-solid, liquid, or gaseous combustible wastes.

"Maximum Process Weight Per Hour" shall mean the equipment manufacturer's or designer's guaranteed maximum (whichever is greater) process weight per hour.

"Modification" shall mean any physical change in, or change in the method of operation of, an affected source which increases the amount of any air contaminant (to which a rule or regulation applies) emitted by such source or which results in the emission of any air contaminant (to which a rule or regulation applies) not previously emitted, except that:

(a) Routine maintenance, repair, and replacement shall not be considered physical changes, and

(b) The following shall not be considered a change in the method of operation:

(1) An increase in the production rate;

(2) An increase in hours of operation;

(3) Use of an alternative fuel or raw material.

"New Source" shall mean any source built or installed on or after the date of initial adoption of an applicable rule or regulation and any source existing at said stated time which later undergoes modification. Any source moved to another premise involving a change of location after the date of initial adoption of an applicable rule or regulation shall be considered a new source.

"Odor" shall mean smells or aromas which are unpleasant to persons, or which tend to lessen human food and water intake, interfere with sleep, upset appetite, produce irritation of the upper respiratory tract, or cause symptoms of nausea, or which by their inherent chemical or physical nature, or method of processing, are, or may be, detrimental or dangerous to health. Odor and smell are used interchangeably herein.

"Opacity" shall mean the obscuration to an observer's view produced by smoke of any color that is equivalent to an obscuration by smoke of a shade specified in the Ringelmann Smoke Chart published by the United States Bureau of Mines.

"Open Burning" shall mean the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through an adequate stack, duct, or chimney.

"Operating Time" shall mean the number of hours per year that a source conducts operations.

"Owner or operator" shall mean any person who owns, leases, operates, controls, or supervises an affected facility, article, machine, equipment, other contrivance, or source.

"Particulate Matter" shall mean finely divided material, except uncombined water which is a liquid or a solid at standard conditions of temperature at 63°F and pressure at 14.7 pounds per square inch absolute.

"Process" shall mean any action, operation, or treatment of materials, including handling and storage thereof, which may cause discharge of an air contaminant, or contaminants, into the atmosphere, but excluding fuel burning and refuse burning.

"Process Weight" shall mean the total weight in pounds of all materials introduced into any specific process which may cause any discharge into the atmosphere.

"Process Weight Per Hour" shall mean the total weight of all materials introduced into any specific process that may cause any discharge of particulate matter. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a typical period of time by that time period.

"Refuse" shall mean matter consisting of garbage, rubbish, ashes, street debris, dead animals, abandoned vehicles, industrial wastes, demolition wastes, construction wastes, special wastes, or sewage treatment residue.

"Ringelmann Chart" shall mean the chart published and described in U.S. Bureau of Mines Information Circular 8333.

"Smoke" shall mean gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, ashes, or other combustible material.

"Soiling Index" shall mean a measure of the soiling properties of suspended particles in air determined by drawing a measured volume of air through a known area of Whatman No. 4 filter paper for a measured period of time, expressed as COHs/1,000 linear feet.

"Source" shall mean any building, structure, facility, installation, article, machine, equipment, device, or other contrivance which emits or may emit any air contaminant. Any activity which utilizes abrasives or chemicals for cleaning or any other purpose (such as cleaning the exterior of buildings) which emits air contaminants shall be considered a source.

"Stack or ducts" shall mean any flue duct, or other contrivance arranged to conduct emissions to the open air.

"Startup" shall mean the setting in operation of an affected source for any purpose.

"State" shall mean the State of Alabama.

"Submerged Fill Pipe" shall mean any fill pipe, the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the tank; or when applied to a tank which is loaded from the side, shall mean any fill pipe, the discharge opening of which is entirely submerged when the liquid level is two times the fill pipe diameter, in inches, above the bottom of the tank.

"Uncombined Water" shall mean any water droplets or water vapor condensate that does not contain any other solid or liquid particulate matter attached to the water droplets.

"Volatile Organic Compounds" shall mean any compound containing carbon and hydrogen or containing carbon and hydrogen in combination with any other element which has a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions.

1.3 Organization.

1.3.1 Administration of Division. The Division of Air Pollution Control created by Section 4(a) of the Act shall be a division of the Bureau of Environmental Health of the Alabama Department of Public Health and shall be administered according to the direction of the State Health Officer.

1.3.2 Appointment of the Director. The Director of the Division shall be appointed by the Commission in accordance with the Merit System laws of this State. The Director shall, at the time of his appointment, meet the qualifications and requirements of the Public Health Engineer V, or higher, classification as established by the State Personnel Board, and this shall have been certified by the State Personnel Director. The Director shall be compensated pursuant to a compensation plan approved by the State Personnel Board.

1.3.3 Organization of the Division. The Director shall divide the Division into appropriate organizational units for the purpose of distributing duties, responsibilities, and work among the various personnel of the Division. Within limits of rules and regulations of the State Personnel Board, the Director may appoint the heads of the organizational units so created. The creation of organizational units and the appointment of unit heads shall be reported to the Commission and shall be subject to its approval.

1.3.4 Division Personnel. Subject to the State Merit System laws and the limitations of budget, the Director may employ, in the name of the Commission, such technical, administrative and clerical, and other personnel as he deems necessary to carry out the purposes and provisions of the Act. Personnel actions taken by the Director shall be reported to the Commission from time to time.

1.4 Availability of Records and Information.

1.4.1 Public Inspection of Records. Except as is provided in this part, any records, reports or information obtained under the Act, and the official records of the Commission shall be available to the public for inspection. Permission to inspect such records should be made to the Director, Alabama Air Pollution Control Commission, Montgomery, Alabama 36104, unless otherwise directed in published organizational, procedural, or regulatory statements pertaining to specific records or classes of records. Such request should state the general subject matter of the records sought to be inspected to permit identification and location.

1.4.2 Exceptions. Upon a showing satisfactory to the Director by any person that records, reports, or information, or particular part thereof, (other than emission data) to which the Commission has access if made public, would divulge production or sales figures or methods, processes or production unique to such person, or would otherwise tend to affect adversely the competitive position of such person by revealing trade secrets, the Commission and the Director shall consider such record, report, or information or particular portion thereof confidential in the administration of the Act.

1.4.3 Creation of Record. Records will not be created by compiling selected items from other documents at the request of a member of the public, nor will records be created to provide the requester with data such as ratios, proportions, percentages, frequency distribution, trends, correlations, or comparisons.

1.4.4 Denial of Requests for, or Non-existence of, Information. If it is determined pursuant to this Part that requested information will not be provided or that, to the best knowledge of the Director, requested information does not exist, the Director shall notify in writing the party requesting the information that the request is either denied or cannot be fulfilled.

1.4.5 Copies of Documents. If it is determined that information requested may be disclosed, the requesting party shall be afforded the opportunity to obtain copies of the documents containing such information. However, records shall not be released for copying by non-Division personnel except by permission of the Director. When a determination not to disclose a portion of information requested has been made, records shall be masked for copying of nonexcepted portions of the information.

1.4.6 Disclosure of Information to Other Agencies. Nothing in these rules and regulations shall be construed to prevent disclosure of any report, record or information obtained under the Act, or any of the official records of the Commission to Federal, State, or local air pollution control laws, or when relevant in any proceedings under the Act.

1.4.7 Correlation of Information. As soon as practicable, the Director shall provide for public availability of emission data reported by source owners or operators or otherwise obtained by the Director of the Division. Such emission data shall be correlated with applicable emission limitations or other measures. As used in this section, "correlated" means presented in such a manner as to show the relationship between measured or estimated amounts of emissions and the amounts of such emissions allowable under these rules and regulations.

1.5 Employee Responsibilities and Conduct.

1.5.1 Introduction.

People who work for the Alabama Air Pollution Control Commission are in a special category. They are not only employed by the Commission, which may be their immediate "boss", but more importantly, they are paid by the people of Alabama. Consequently, they have an obligation not only to their immediate supervisors, but also to the taxpayer to assure that he gets his "money's worth". As a result, Commission employees live in somewhat of a glass house and must adhere to high moral and ethical standards in their business relationships and personal conduct.

It is virtually impossible to set out specific "rules" to govern each employee's conduct in all phases of his job. This is not the intent of these guidelines. Rather, it is an attempt to present some of the more frequent or common situations which arise and to provide each employee with general guidelines to assist him in carrying out his duties in a businesslike manner. It is believed that each employee is sufficiently intelligent, sufficiently mature, and possesses sufficient common sense that he will perform his duties in an efficient and responsible manner without the need for specific identification of everything he can or cannot do.

1.5.2 General Comments.

Commission employees are expected to comply with all statutes and rules of the State and their communities. It is not the intent of the Commission as an employer to be concerned with the non-working time of its employees. However, when off-duty conduct has a bearing on the Commission operations or brings discredit upon the Commission or State government, then such conduct does legitimately become a concern and could result in appropriate disciplinary action against the employee.

The Commission employee must be especially careful to avoid such things as using his official position for personal gain, giving unjustified preferences, losing sight of the need for efficient and impartial decisions in methods of operation, or committing an act which could result in questioning the integrity of the Division or Commission.

1.5.3 Gifts and Favors.

Commission employees ought to be especially careful in their relationships to avoid any taint of irresponsibility by accepting any gift or gratuity from a non-employee who is now or is seeking to do business with the Commission or whose business is regulated by the Commission. Many times an employee will be offered items of nominal value such as pens, pencils, calendars, matches, etc. It would not be improper to accept these items as long as both parties recognize that there is no intent to affect a business relationship. Likewise, there will be times when non-employees will offer to take a Commission employee to lunch to discuss business. This, too, can be proper or improper depending on the circumstances. If done on an infrequent basis and in the ordinary course of business, it would appear to be proper. However, if the intent of either party was to allow the social affair to affect the business transaction, it most definitely would be improper. Each employee must be conscious of the possibility of impropriety and make his own decision as to the particular situation.

1.5.4 Outside Employment.

Each full-time Commission employee is expected to devote his entire working hours to his job and to the business of the Commission. While there is no absolute bar to outside employment, such employment must not interfere with complete attention to the employee's responsibilities as a Commission employee. There are, of course, some outside employment situations which could result in a conflict of interest between the two jobs. These kinds of involvements between outside activities and Commission employment must be strictly avoided. If the employee has any question that a conflict of interest situation might develop, he should immediately discuss the situation with the Director.

Naturally, an employee should not receive any compensation from any outside source for the performance of his Commission responsibilities.

Employees are, of course, encouraged to participate in civic organization activities, again where such activities do not interfere with full performance of the employee's Commission responsibilities.

1.5.5 Use of Privileged Information.

Many Commission employees will deal with plans and programs of significant public interest. Employees must not use this privileged information to their own financial advantage or to provide friends and acquaintances with financial advantages, or with information which could be used for financial advantage.

If an employee finds that he has an outside financial interest which could be affected by Commission plans or activities, he should immediately report the situation to the Director.

Each employee is charged with the responsibility of insuring that he releases only information that should be made available to the general public.

1.5.6 Use of State Property.

Employees should not, directly or indirectly, use or allow the use of Commission or State property of any kind for other than official activities.

1.5.7 Conclusion.

The foregoing guidelines should assist each employee in more efficiently carrying out his responsibilities as a Commission employee. As mentioned earlier, these standards are not intended to be all-encompassing, nor to spell out each kind of situation that will arise. Likewise, it has not been spelled out in detail all of those actions such as theft of State property, being intoxicated on the job, etc., which is recognized as subjecting a person to disciplinary action.

It is well recognized that many problems will arise in the daily course of an employee's activities which could raise some question in his mind as to what action he should take. Each employee is encouraged to discuss these matters with the Director to obtain guidance and assistance.

1.6 Ambient Air Quality Standards.

1.6.1 Primary and Secondary Standards. The National primary ambient air quality standards and national secondary ambient air quality standards and accompanying appendices of reference methods, set forth at Part 50 of Title 40 of the Code of Federal Regulations, as the same may be amended or revised, are hereby incorporated and made a part of these regulations, and shall apply throughout the State.

1.6.2 Policy. It is the objective of the Commission to obtain and maintain the ambient air quality standards of this Part in achieving the policy and purpose of the Act and as required by the Federal Act. The adoption hereby of the national primary and secondary ambient air quality standards shall not be considered in any manner to allow significant deterioration of existing air quality in any portion of the State.

1.6.3 Attainment of Primary Standard. These rules and regulations and the administration of the Division by the Director shall provide for the attainment of the national primary ambient air quality throughout the State as expeditiously as practicable, but in no case later than three years after the date of initial adoption of these rules and regulations or within the time limits specified by Section 110(a) of the Clean Air Act, as amended (84 Stat. 1680), whichever is later.

1.6.4 Attainment of Secondary Standard. To the extent practicable and feasible, these rules and regulations and the administration of the Division by the Director shall strive for the attainment of the national secondary ambient air quality throughout the State concurrently with the attainment of the national primary ambient air quality standard as provided in Section 1.6.3.

1.6.5 Affect on Interstate Air Quality Control Regions. The administration of the Division by the Director shall insure that air contaminants emitted within an Alabama portion of an Interstate Air Quality Control Region designate at Part 81 of Title 40 of the Code of Federal Regulations will not interfere with attainment and maintenance of any national primary or secondary ambient air quality standard in the remaining portion of such region. To this end, the Director is authorized to advise and consult with air pollution control agencies in other states and enter into cooperative agreements with such agencies to achieve the purposes of this section.

1.5.5 Use of Privileged Information.

Many Commission employees will deal with plans and programs of significant public interest. Employees must not use this privileged information to their own financial advantage or to provide friends and acquaintances with financial advantages, or with information which could be used for financial advantage.

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The foregoing guidelines should assist each employee in more efficiently carrying out his responsibilities as a Commission employee. As mentioned earlier, these standards are not intended to be all-encompassing, nor to spell out each kind of situation that will arise. Likewise, it has not been spelled out in detail all of those actions such as theft of State property, being intoxicated on the job, etc., which is recognized as subjecting a person to disciplinary action.

It is well recognized that many problems will arise in the daily course of an employee's activities which could raise some question in his mind as to what action he should take. Each employee is encouraged to discuss these matters with the Director to obtain guidance and assistance.

1.8 Sampling and Testing Methods.

1.8.1 Methods. All required sampling and testing shall be made and the results calculated in accordance with sampling and testing procedures and methods approved by the Director. All required samples and tests shall be made under the direction of persons qualified by training and/or experience in the field of air pollution control.

1.8.2 Standard Methods. The Director, to the extent practicable, should recognize and approve the test methods and procedures established by Part 60 of Title 40 of the Code of Federal Regulations, as the same may be amended or revised.

1.8.3 The Division may conduct tests and take samples of air contaminants, fuel, process material or other material which affects or may affect emission of air contaminants from any source. Upon request of the Division, the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants. If an authorized employee of the Division during the course of an inspection obtains a sample of air contaminant, fuel, process material, or other material, he shall give the owner or operator of the equipment or fuel facility a receipt for the sample obtained.

1.8.4 Report to Owner or Operator. At the conclusion of any inspection under Section 9 of the Act, or conduction of any testing or sampling under this Part, if requested, the owner or operator of the premises shall receive a report setting forth all facts found which relate to compliance status with the Act and these rules and regulations.

1.9 Compliance Schedule.

1.9.1 Scope. Except as otherwise specified, compliance with the provisions of these rules and regulations shall be according to the time schedule of this Part.

1.9.2 New Sources. All new sources shall comply with the applicable rules and regulations of Chapter 3 et seq. within 60 days after achieving the maximum production rate at which the affected source will be operated, but not later than 120 days after initial startup of such source, unless the Director specifies another period of time as a condition to the issuance of any Permit under Part 1.12.

1.9.3 Existing Sources. All existing sources not in compliance as of the date of initial adoption of an applicable rule or regulation contained in Chapter 3 et seq. shall be in compliance within 6 months of such initial date unless the owner or operator responsible for the operation of such source shall have submitted to the Director in a form and manner satisfactory to him, a control plan and schedule for achieving compliance, such plan and schedule to contain a date on or before which full compliance will be attained, and such other information as the Director may require. Any such plan and schedule expected to extend over a period of 18 or more months from such initial date shall include provisions for periodic increments of progress toward full compliance. If approved by the Director, such dates shall be the dates on which such owner or operator shall achieve incremental progress and full compliance. The Director may require persons to submit subsequent periodic reports on progress in achieving compliance. In no event shall the control plan and schedule exceed 3 years from the date of initial adoption of an applicable rule or regulation. The provisions of this Section shall not apply to sources for which permits are required under Part 1.12.

1.9.4 Nothing in this Part shall relieve any person, or any new or existing source from complying with the provisions of Chapters 1 and 2 of these rules and regulations.

1.10 Maintenance and Malfunctioning of Equipment; Reporting.

1.10.1 Maintenance; Reporting. In the case of shutdown of air pollution control equipment (which operates pursuant to any permit issued by the Director) for necessary scheduled maintenance, the intent to shut down such equipment shall be reported to the Director at least twenty-four (24) hours prior to the planned shutdown, unless such shutdown is accompanied by the shutdown of the source which such equipment is intended to control. Such prior notice shall include, but is not limited to the following:

(a) Identification of the specific facility to be taken out of service as well as its location and permit number.

(b) The expected length of time that the air pollution control equipment will be out of service.

(c) The nature and quantity of emissions of air contaminants likely to occur during the shutdown period.

(d) Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period.

(e) The reasons that it would be impossible or impractical to shut down the source operation during the maintenance period.

1.10.2 Malfunction; Reporting. In the event that any emission source, air pollution-control equipment, or related facility fails or breaks down in such a manner as to cause the emission of air contaminants in violation of these rules and regulations, the person responsible for such source, equipment, or facility shall notify the Director within 24 hours of such failure or breakdown and provide a statement giving all pertinent facts, including the estimated duration of the breakdown. The Director shall be notified when the condition causing the failure or breakdown has been corrected and such source, equipment, or facility is again in operation.

1.11 Prohibition of Air Pollution. No person shall permit or cause air pollution, as defined in Section 1.2.1 of this Chapter by the discharge of any air contaminant for which no ambient air quality standards have been set under Section 1.6.1.

1.12 Permits.

1.12.1 Permits Required.

(a) Permit to Construct. Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of or an increase in the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain authorization for such construction from the Director in the form of a Permit to Construct. A Permit to Construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application is canceled.

(b) Permit to Operate.

(1) Before any article, machine, equipment or other contrivance described in paragraph (a) may be operated or used, a written permit shall be obtained from the Director. No permit to operate shall be granted for any article, machine, equipment or contrivance described in paragraph (a), constructed or installed without authorization as required by paragraph (a), until the information required is presented to the Director and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards established by the Commission.

(2) Any article, machine, equipment or other contrivance described in paragraph (a) which is presently operating (or which is not presently operating but which is capable of being operated) without a Permit to Operate, may continue to operate (or may restart) only if its owner or operator obtains a Permit to Operate prior to a date to be set by the Director (or prior to restarting).

(3) The Director shall have the authority to decide cases where an article, machine, equipment, or other contrivance is not clearly subject to nor exempt from the application of this Part. In addition, the Director may rule that a particular article, machine, equipment or other contrivance is subject to the application of this Part even though it is exempt from the system according to Sections 1.12.1 and 1.12.2 of this Part. The operator or builder of such an article, a machine, equipment or other contrivance may appeal the Director's classification to the Commission, which shall overrule the Director only if it is shown that he acted arbitrarily and contrary to the purposes of the Act.

(c) Display of Permit to Operate. A person who has been granted a Permit to Operate any article, machine, equipment, or other contrivance shall keep such Permit under file or on display at all times at the site where the article, machine, equipment, or other contrivance is located and will make such a permit readily available for inspection by any and all persons who may request to see it.

1.12.2 Exemptions. From time to time the Director may specify certain classes or sizes of articles, machines, equipment, or other contrivances which would normally be subject to the requirement to obtain Permits to Operate or Construct, as being exempt from the requirement to obtain such permits. Exempt sources are subject in every other way to these rules and regulations.

1.12.3 Transfer. A Permit to Construct or Operate shall not be transferable whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

1.12.4 Applications. Every application for a Permit to Construct or Operate required under Section 1.12.1 shall be filed in the manner and form prescribed by the Director and shall give all the information necessary to enable the Director to make the determination required by Section 1.12.3.

1.12.5 Cancellation of Applications. A Permit to Construct shall expire and the application shall be canceled two years from the date of issuance of the Permit to Construct if the construction has not begun.

1.12.6 Action on Application. The Director shall act, within a reasonable time, on an application for Permit to Construct, Permit to Operate and shall notify the applicant in writing of its approval, conditional approval or denial.

1.12.7 Provision of Sampling and Testing Facilities. A person operating or using any article, machine, equipment or other contrivance for which these rules and regulations require a permit shall provide and maintain such sampling and testing facilities as specified in the Permit to Construct or Permit to Operate.

1.12.8 Standards for Granting Applications.

(a) The Director shall deny a permit except as provided by Section 1.12.9, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of these rules and regulations.

(b) The Director shall deny a permit if the applicant does not present, in writing, a plan whereby the emission of air contaminants by every article, machine, equipment, or other contrivance described in the permit application, will be reduced during periods of an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency in accordance with the provisions of Chapter 2.

(c) Before a Permit to Construct or Permit to Operate is granted, the Director may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the Permit to Construct or Permit to Operate. In the event of such a requirement, the Director shall notify the applicant in writing of the required size, number and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment.

(d) The Director may also require the applicant to install, use and maintain such monitoring equipment or methods; sample such emissions in accordance with such methods, at such locations, intervals and procedures as may be specified; and provide such information as the Director may require.

(e) Before acting on an application for Permit to Construct or Permit to Operate, the Director may require the applicant to furnish further information or further plans or specifications.

(f) In acting upon a Permit to Operate, if the Director finds that the article, machine, equipment or other contrivance has been constructed not in accordance with the Permit to Construct, and if the changes noted are of a substantial nature in that the amount of air contaminants emitted by the article, machine, equipment or other contrivance may be increased, or in that the effect is unknown, then he shall deny the Permit to Operate. The Director shall not accept any further application for a Permit to Operate until the article, machine, equipment or other contrivance has been reconstructed in accordance with the Permit to Construct, or until the applicant has proven to the satisfaction of the Director that the change will not cause an increase in the emission of air contaminants.

(g) The Director shall deny a Permit to Construct where he determines that the construction and operation of such source will interfere with attaining or maintaining any primary or secondary standard established by Section 1.6.1 or will allow significant deterioration of existing air quality.

(h) In granting any Permit to Operate, the Director may allow, as a condition of such permit, for the intermittent discharge of air contaminants, during startup, shut down, rate change or load change, in excess of the limitations specified in these rules and regulations where he finds that because of the nature of the source there is no practicable alternative.

1.12.9 Conditional Permit.

(a) The Director may issue a Permit to Construct or a Permit to Operate subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Section 1.12.8, in which case the conditions shall be specified in writing. Commencing work under such a Permit to Construct or a Permit to Operate shall be deemed acceptance of all the conditions specified. The Director shall issue a Permit to Construct or a Permit to Operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Section 1.12.8 under the revised conditions.

(b) A Conditional Permit may allow an article, machine, equipment or other contrivance to be operated in violation of the conditions of Section 1.12.8 if one of the conditions of the permit is a definite schedule by which the article, machine, equipment, or contrivance may attain the conditions of Section 1.12.8 and be granted a Permit to Operate, and if the schedule provides for attaining the conditions of Section 1.12.8 at the earliest possible date and is approved by the Director. A Conditional Permit will be revoked if the applicant does not submit progress reports to the Director according to the schedule established by the Conditional Permit. The Director may further revoke the Conditional Permit if the progress reports do not show satisfactory progress as specified by the terms of the Conditional Permit or if the progress reports are found to be inaccurate.

(c) A Conditional permit that allows any new article, machine, equipment or contrivance to operate in violation of the requirements of Section 1.12.8 may not be granted for a period of time greater than one year, including all renewals.

(d) No Conditional Permit issued under this Section for any existing article, machine, equipment or contrivance may be granted for a period of time longer than the greater of the following periods:

(1) The period from the granting of the permit to a date three years after the date of initial adoption of an applicable rule or regulation.

date the Administrator of the U. S. Environmental Protection Agency approves, in accordance with Section 110 of the Federal Act, such applicable rule or regulation as a part of an implementation plan (or any revision thereof).

1.12.10 Temporary Permit to Operate. Upon application for a Permit to Operate by a new facility, the Director shall, within a reasonable period of time, dispatch an inspector to the facility in question. If the inspector determines that the facility has been constructed according to the specifications as set forth under the Permit to Construct, or else that any changes to the facility would reduce or effect to an unsubstantial degree that quantity of air contaminants emitted by the facility, and if a reviewing officer of the Division agrees with this conclusion, then the Director shall issue a temporary Permit to Operate which will remain in force until an official inspection of the facility under actual operating conditions can be made and the results reviewed, or until the Temporary Permit is suspended or revoked by the Director. The Director may issue a Temporary Permit to Operate without an inspection if the applicant fulfills the following requirements:

(a) The application for a Permit to Construct is filled out and countersigned by a Professional Engineer familiar with air pollution control as it relates to the equipment under application.

(b) Upon completion of the construction, a Professional Engineer familiar with the Permit to Construct submits a letter to the Director, signed and sealed with his professional stamp, testifying that the construction under application has been completed and is in accordance with the specification as set down in the Permit to Construct. The Director, is empowered to reject the testimony of the Professional Engineer if the Director decides that the Professional Engineer's qualifications are insufficient to allow him to accurately and completely assess the equipment in question. A Professional Engineer may appeal any such judgement to the Commission.

1.12.11 Denial of Application. In the event of denial of a Permit to Construct or Permit to Operate, the Director shall notify the applicant in writing of the reason therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Director shall not accept a further application unless the applicant has complied with the objections specified by the Director as its reasons for denial of the Permit to Construct or the Permit to Operate.

1.12.12 Appeals. Within 10 days after notice by the Director of denial or conditional approval of a Permit to Construct or Permit to Operate, the applicant may petition the Commission, in writing, for a review. The Commission may sustain or reverse the action of the Director; such order may be made subject to specified conditions.

1.12.13 The holder of a Permit under this Part shall comply with conditions contained in such Permit as well as all applicable provisions of these rules and regulations except where violations are specifically allowed in accordance with a Conditional Permit issued under Section 1.12.9.

1.13 Variances.

1.13.1 Petition Procedures.

(a) Any person subject to any rule or regulation, requirement or order, may petition the Commission for a variance from the application thereof as prescribed by the Act. A petition for a variance must state the following:

(1) The name, address and telephone number of the petitioner, or other person authorized to receive service of notices.

(2) Whether the petitioner is an individual, partnership, corporation or other entity, and names and address of the officers, if a corporation, and names and address of the persons in control, if other entity.

(3) The type of business or activity involved in the application and the street address at which it is conducted.

(4) A brief description of the article, machine, equipment or other contrivance, if any, involved in the petition.

(5) The signature of the petitioner, or that of some person on his behalf, and, where the person signing is not the petitioner, the authority to sign.

(6) The rule or regulation, requirement or order complained from which a variance is requested.

(7) The facts showing why compliance with such rule or regulation, requirement or order would impose serious hardship on the petitioner or on any other person or persons without equal or greater benefits to the public.

(8) The facts showing why the emissions occurring or proposed to occur do not endanger or tend to endanger human health or safety, human comfort, and aesthetic values.

(9) For what period of time the variance is sought and why.

(10) Provisions of the rule or regulation, requirement or order which the petitioner can meet and the date when petitioner can comply with such provisions.

(11) Whether or not any case involving the same identical equipment or process identified in subparagraph (4) above is pending in any court, civil or criminal.

(b) All petitions shall be typewritten, double spaced, on legal or letter size paper, on one side of the paper only.

1.13.2 Failure to Comply with Procedures.

(a) The Director shall not accept for filing, any petition which does not comply with these rules and regulations relating to the form, filing and service of petitions unless the Chairman or any two members of the Commission direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Commission.

(b) The Chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

1.13.3 Objection Procedures.

(a) A person may file a written objection to the grant of a variance within 21 days from initial advertised notice and thus insure that a public hearing will be held, according to Section 12(d) of the Act. An objection to the grant of a variance must state:

(1) The objector's name, address, and telephone number.

(2) Whether the objector is an individual, partnership, corporation or other entity, and names and address of the partners if a partnership, names and address of the officers if a corporation, and the names and the address of the persons in control if other entity.

(3) A specification of which petition for a variance is being objected to.

(4) A statement indicating why the objector believes that the variance should not be granted.

(b) All objections should be typewritten or carefully printed in ink on legal or letter size paper.

1.13.4 Rules of Evidence at Hearing.

(a) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If a petitioner or objector does not testify in his own behalf he may be called and examined as if under cross-examination.

(b) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be submitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

1.14 Circumvention. No person shall cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes any emission of air contaminant which would otherwise violate these rules and regulations.

1.15 Severability. The provisions of these rules and regulations and the various applications thereof are declared to be severable and if any chapter, part, section, paragraph, subparagraph, subdivision, clause, or phrase of these rules and regulations shall be adjudged to be invalid or unconstitutional by any court of competent jurisdiction, the judgement shall not affect, impair or invalidate the remainder of these rules and regulations, but shall be confined in its operation to the chapter, part, section, paragraph, subparagraph, subdivision, clause, or phrase of these rules and regulations that shall be directly involved in the controversy in which such judgement shall have been rendered.

Chapter 2 -- Air Pollution Emergency

2.1 Air Pollution Emergency. The Director is authorized and empowered to enforce or require enforcement of any provisions of this Chapter throughout the State of Alabama.

2.2 Episode Criteria. When the Director determines that conditions justify the proclamation of an air pollution episode stage, due to the accumulation of air contaminants in any place within the State, attaining levels which could, if sustained or exceeded, lead to a substantial threat to the health of persons, he shall be guided by the following criteria.

2.2.1 Episode stages shall be determined and declared upon the basis of average concentrations recorded at any monitoring station in the State.

2.2.2 If contamination and meteorology warrant, any advanced episode stage may be declared by the Director without first declaring a lesser degree of Alert or Watch. The Director shall, at his discretion, declare a lesser stage, the termination or the continuance of the advanced episode stage during such times when contamination and meteorological conditions moderate significantly after an advanced episode stage has been declared.

2.2.3 Episode Watch. The Director shall declare an Episode Watch when one or more of the following events take place.

(a) An Atmospheric Stagnation Advisory is issued by the National Weather Service, stating that atmospheric conditions marked by a slow moving high pressure system, light winds, and temperature inversions are expected to affect the State of Alabama or portions thereof for the next 36 hours.

(b) A forecast by local meteorologist that stagnant atmospheric conditions as described above could result in high air pollution levels in Alabama or portions thereof.

(c) Validated reports of abnormally high air pollution measurements, specifically, reaching or exceeding 50 percent of the Alert level of Section 2.2.4 for at least three consecutive hours at a given locality in the State.

2.2.4 Alert. The Director shall declare an Alert when any one of the following contaminant concentrations is measured at any monitoring site, and due to adverse meteorological conditions can be expected to remain at these levels or higher for the next 12 hours or more unless control measures are taken:

(a) Sulfur Dioxide. Measured by continuous coulometric or colorimetric analyzer, or equivalent.

24-hour average, 0.30 ppm ($800 \mu\text{g}/\text{m}^3$)

(b) Particulates. Measured by sequential tape sampler, two-hour accumulations (soiling index).

24-hour average, 3.0 COHS per 1000 linear feet
or measured by Hi Vol (high volume sampler), 24-hour accumulation.

24-hour average, $375 \mu\text{g}/\text{m}^3$

(c) Sulfur Dioxide and Particulates Combined. Product of concurrent 24-hour average concentrations.

sulfur dioxide, ppm, times particulates, COHS, equals 0.2

sulfur dioxide, $\mu\text{g}/\text{m}^3$, times particulates, $\mu\text{g}/\text{m}^3$, equals 65,000

(d) Carbon Monoxide. Measured by continuous non-dispersive infrared analyzer, or equivalent.

8-hour average, 15 ppm ($17 \text{ mg}/\text{m}^3$)

(e) Nitrogen Dioxide. Measured by continuous analyzer, or equivalent.

24-hour average, 0.15 ppm ($282 \mu\text{g}/\text{m}^3$)

or 1-hour average, 0.6 ppm ($1130 \mu\text{g}/\text{m}^3$)

(f) Photochemical Oxidants. Measured by continuous chemiluminescent analyzer or equivalent.

1-hour average, 0.1 ppm ($200 \mu\text{g}/\text{m}^3$)

2.2.5 Warning. A Warning shall be declared by the Director when the concentrations of any of the following air contaminants measured at any monitoring site and due to adverse meteorological conditions can be expected to remain at these levels or higher for the next 12 hours or more unless control measures are taken:

(a) Sulfur Dioxide. Measured by continuous coulometric or colorimetric analyzer, or equivalent.

24-hour average, 0.6 ppm (1600 $\mu\text{g}/\text{m}^3$)

(b) Particulates. Measured by sequential tape sampler, two-hour accumulations (soiling index).

24-hour average, 5.0 COHS per 1000 linear feet
or measured by Hi Vol, 24-hour accumulation:

24-hour average, 625 $\mu\text{g}/\text{m}^3$

(c) Sulfur Dioxide and Particulates Combined. Product of concurrent 24-hour average concentration.

sulfur dioxide, ppm, times particulates, COHS, equals 0.8

or sulfur dioxide, $\mu\text{g}/\text{m}^3$, times particulates, $\mu\text{g}/\text{m}^3$, equals 261,000

(d) Carbon Monoxide. Measured by continuous non-dispersive infrared analyzer or equivalent.

8-hour average, 30 ppm (34 mg/m^3)

(e) Nitrogen Dioxide. Measured by continuous analyzer, or equivalent.

24-hour average, 0.30 ppm (565 $\mu\text{g}/\text{m}^3$)

1-hour average, 1.20 ppm (2260 $\mu\text{g}/\text{m}^3$)

(f) Photochemical Oxidants. Measured by continuous chemiluminescent analyzer, or equivalent.

1-hour average, 0.40 ppm (800 $\mu\text{g}/\text{m}^3$)

2.2.6 Emergency. When the following concentrations of air contaminants have been reached or due to meteorological conditions can be expected to reach or exceed these levels at any monitoring site in the State for a period of 12 hours or more unless control actions are taken, the Director shall declare an Emergency:

(a) Sulfur Dioxide. Measured by continuous coulometric or colorimetric analyzer, or equivalent.

24-hour average, 0.8 ppm (2100 $\mu\text{g}/\text{m}^3$)

(b) Particulates. Measured by sequential tape sampler, two-hour accumulations (soiling index).

24-hour average, 7.0 COHS per 1000 linear feet
or measured by Hi Vol, 24-hour accumulation

24-hour average, 875 $\mu\text{g}/\text{m}^3$

(c) Sulfur Dioxide and Particulates Combined. Product of concurrent 24-hour average concentrations.

sulfur dioxide, ppm, times particulates, COHS, equals 1.2

or sulfur dioxide, $\mu\text{g}/\text{m}^3$, times particulates, $\mu\text{g}/\text{m}^3$, equals 393,000

(d) Carbon Monoxide. Measured by continuous non-dispersive infrared analyzer, or equivalent.

8-hour average, 40 ppm (46 $\mu\text{g}/\text{m}^3$)

(e) Nitrogen Dioxide. Measured by continuous analyzer, or equivalent.

24-hour average, 0.40 ppm (750 $\mu\text{g}/\text{m}^3$)

1-hour average, 1.60 ppm (3000 $\mu\text{g}/\text{m}^3$)

(f) Photochemical Oxidants. Measured by continuous chemiluminescent analyzer, or equivalent.

1-hour average, 0.60 ppm (1200 $\mu\text{g}/\text{m}^3$)

2.2.7 Termination.

(a) The status reached by application of the Episode Criteria of this part shall remain in effect until the criteria for that level is no longer met. At such time, the next lower status will be assumed and such changes declared by the Director. Specifically:

(1) When ambient contaminant concentrations fall below the critical levels for the stage, and a downward trend of concentrations is established; and

(2) When meteorological conditions that attended the high concentrations are no longer called for in official weather predictions.

(b) A public declaration will take on one of the following forms.

(1) Terminate "Emergency Status", resume "Warning Status" or "Alert Status"; whichever is appropriate.

(2) Terminate "Warning Status", resume "Alert Status" or appropriate stage.

(3) Terminate "Episode Status".

(c) Upon termination of an "Episode Status", the Division of Air Pollution Control will remain on internal "Episode Watch" until a return to normal operation is announced by the Division Director.

2.2.8 Status Declaration Authority. The Director, Division of Air Pollution Control, or his duly authorized agent, shall have the authority to make an announcement of internal Episode Watch, and public declarations of Alert, Warning and Emergency Status.

2.3 Special Episode Criteria.

2.3.1 The Director shall have the authority to declare episodic conditions when the atmospheric concentration of a single contaminant or that of a specific locality within the State show elevated concentrations.

2.3.2 Specific Pollutant Situation. When concentrations of one or two contaminants reach or exceed the defined criteria levels, and concentration of other contaminants remain substantially below 50 percent of Alert levels, and meteorological conditions are such that these specific contaminant concentrations can be expected to remain at the above levels for 12 hours or more or increase unless control action is taken, a Specific Alert, Warning, or Emergency Status shall be declared by the Director, naming the contaminants that meet the respective criteria. In such instances when two such contaminants meet different criteria, the Director shall declare the status for the episode having the higher level, and that an Episode Watch is being maintained on the remaining contaminants.

2.3.3 Specific Locality Situation. The Director shall, when high concentrations of one or more contaminant measured at one monitoring site and not others and the effect is judged to originate from an identifiable source near the given site, shall declare the appropriate local Alert, Warning, or Emergency Status for the delineated area and that an Episode Watch is in effect for any remaining portion of the jurisdictional area while meteorological conditions favor the maintenance or increase of said high concentration for at least 12 hours or more unless control action is taken.

2.4 Emission Reduction Plans. Upon declaring an Episode Watch, Alert, Warning, or Emergency, the Director shall order persons responsible for the operation of a source of air contaminants causing or contributing to such episode to take the general measures outlined in the Emergency Episode Plan for the State of Alabama (dated November 1971, prepared by TRW, Inc.) or revision thereof, as he deems appropriate, in addition to all specific source curtailments designated by him.

2.5 Two Contaminant Episode. The Director shall declare an Alert, Warning, or Emergency Status specific for two contaminants when the ambient concentrations of two contaminants simultaneously reach or exceed their respective Episode Criteria of this Chapter and meteorological conditions are such that contaminant concentrations can be expected to remain at those criteria levels for 12 or more hours or increase unless control actions are taken. When criteria levels correspond to different episode status for two contaminants, the Director shall declare the status of the higher of the two.

2.6 General Episodes. The Director shall, in the event that ambient concentrations of three or more contaminants simultaneously reach or exceed their respective Episode Criteria and no improvement in meteorological conditions is forecast for the next 12 hours, declare a General Alert, Warning, or Emergency Status. In the event the criteria levels correspond to different statuses for each contaminant, the Director shall declare a general status corresponding to the highest individual status.

2.7 Emission Reduction Plan for Local Episodes.

2.7.1 The Director shall specify the area of the State affected when a Local Alert, Warning or Emergency Status is declared, or when an Accidental Episode for Common contaminants occurs, based upon air quality and meteorological reports and predictions.

2.7.2 When the Director declares such a local episode, any person responsible for the operation from which excess emissions results, shall shut down such an operation and make repairs or alter the process as required by the Director to restore normal operations.

2.7.3 When the Director declares that a Local Alert, Warning, or Emergency Status is in effect for a delineated area, corresponding General Measures shall be applied as detailed in Part 2.2, depending upon which contaminant(s) is/are being emitted in excess.

2.8 Emission Reduction Plans for Other Sources.

2.8.1 Any person responsible for the operation of a source of air contaminants as determined by the Director shall prepare standby plans for reducing the emissions of air contaminants during periods of an Episode Alert, Warning, and Emergency. Standby plans shall be designed to reduce or eliminate emissions of air contaminants in accordance with the objectives set forth in Part 2.2.

2.8.2 Any person responsible for the operation of a source of air contaminants not designated by the Director shall when requested by the Director in writing, prepare standby plans for reducing the emission of air contaminants during periods of Episode Alert, Warning, and Emergency. Standby plans shall be designed to reduce or eliminate emissions of air contaminants in accordance with the objectives set forth in Part 2.2.

2.8.3 Standby plans as required under Section 2.8.1 shall be in writing and identify the sources of air contaminants, the amount of reduction of contaminants and a brief description of the manner in which reduction will be achieved during Episodes of Alert, Warning, and Emergency.

2.8.4 During Episodes of Alert, Warning, and Emergency Status, standby plans as required by this Chapter shall be made available on the premises to any person authorized to enforce the provisions of applicable rules and regulations.

2.8.5 Standby plans as required by these rules and regulations shall be submitted to the Director upon request within 30 days of the receipt of such request; such standby plans shall be subject to review and approval by the Director. If in the opinion of the Director, a standby plan does not effectively carry out the objectives as set forth in these rules and regulations, the Director may disapprove it, state the reason for disapproval and order the preparation of an amended standby plan within the time period specified in the order.

2.9 Other Authority Not Affected. The provisions of this Chapter shall in no way affect the power and authority of the Governor, Chairman, or Director as it pertains to Emergency Procedures as provided in Section 11 of the Act.

Chapter 3 -- Control of Open Burning and Incineration.

3.1 Open Burning. No person shall ignite, cause to be ignited, permit to be ignited, or maintain any open fire except as follows:

3.1.1 Open fires for the cooking of food for human consumption on other than commercial premises;

3.1.2 Fires for recreational or ceremonial purposes;

3.1.3 Fires to abate a fire hazard, providing the hazard is so declared by the fire department or fire district having jurisdiction;

3.1.4 Fires for prevention or control of disease or pests;

3.1.5 Fires for training personnel in the methods of fighting fires;

3.1.6 Fires for the disposal of dangerous materials, where there is no practical alternate method of disposal, and burning is approved by the Director;

3.1.7 Fires set for recognized agricultural, silvicultural, range and wildlife management practices;

3.1.8 Fires set in salamanders or other devices used by construction or other workers for heating purposes;

3.1.9 Fires for the burning of trees, brush, grass and other vegetable matter in the clearing and maintenance of rights-of-way if such burning is done by the air-curtain incinerator method, properly constructed and maintained, or an equivalent method specifically approved by the Director;

3.1.10 Open fires specifically or expressly approved by the Director.

3.2 Incinerators.

3.2.1 Incinerators shall be designed and operated in such manner as is necessary to prevent the emission of objectionable odors.

3.2.2 No person shall cause or permit to be emitted into the open air from any incinerator, particulate matter in the exhaust gases to exceed 0.20 pounds per 100 pounds of refuse charged.

3.2.3 Emission tests shall be conducted at maximum burning capacity of the incinerator.

3.2.4 The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Director in accordance with good engineering practices. In case of conflict, the determination made by the Director shall govern.

3.2.5 For the purposes of this Part, the total of the capacities of all furnaces within one system shall be considered as the incinerator capacity.

3.3. Wood Products and By-products Incineration.

3.3.1 No person shall cause or permit to be emitted into the open air from any incinerator which incinerates wood products and by-products, particulate matter in the exhaust gases to exceed 0.40 pounds per 100 pounds of material charged.

3.3.2 Emission tests shall be conducted at maximum burning capacity of the incinerator.

3.3.3 The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Director in accordance with good engineering practices. In case of conflict, the determination made by the Director shall govern.

3.3.4 For the purposes of this Part, the total of the capacities of all furnaces within one system shall be considered as the incinerator capacity.

3.3.5 Each incinerator subject to this Part shall be properly designed, equipped, and maintained for its maximum rated burning capacity and shall be equipped with an underfire forced air system, an overfire air recirculation secondary combustion system, and variable control damper, all of which shall be electronically controlled to insure the optimum temperature range for the complete combustion of the amount and type of material waste being charged into the incinerator. Each such incinerator shall be equipped with a temperature recorder which shall be operated continuously with the incinerator and the temperature records shall be made available for inspection at the request of the Director.

4.1 Visible Emissions.

4.1.1 Visible Emissions Restrictions for Stationary Sources.

(a) No person shall discharge into the atmosphere from any single source of emission whatsoever any air contaminant of a shade or density darker than that designated as No. 1 on the Ringelmann chart or 20 percent opacity.

(b) A person may discharge into the atmosphere from any single source of emission for a period or periods aggregating not more than three minutes in any 60 minutes air contaminants of a shade of density not darker than that designated as No. 3 on the Ringelmann chart or 60 percent opacity.

(c) The Director may approve exceptions to this Section for specific sources which hold permits under Part 1.12; provided however, such exceptions may be made for startup, shutdown, load change, and rate change or other short, intermittent periods of time upon terms approved by the Director and made a part of such permit.

(d) The provisions of this Section shall not apply to combustion sources in single-family and duplex dwellings where such sources are used for heating or other domestic purposes.

4.1.2 Visible Emissions Restrictions for Mobile Sources.

(a) No person shall cause or permit the emission of visible air contaminants from gasoline-powered motor vehicles, operated upon any street, highway, or other public place, for longer than 5 consecutive seconds.

(b) No person shall cause or permit the emission of visible air contaminants from diesel-powered motor vehicles and other movable sources of a shade or density darker than that designated as No. 1 on the Ringelmann chart or 20 percent opacity for longer than 5 consecutive seconds.

4.1.3 Uncombined Water. Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of this Part, such sections shall not apply.

4.2 Fugitive Dust.

4.2.1 No person shall cause, suffer, allow, or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or a road to be used, constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, but not be limited to, the following:

(a) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

(b) Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stock piles, and other surfaces which create airborne dust problems;

(c) Installation and use of hoods, fans, and fabric filters (or other suitable control devices) to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations.

4.2.2 Visible Emissions Restrictions Beyond Lot Line. No person shall cause or permit the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate.

4.2.3 When dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance or to violate any rule or regulation, the Director may order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that all air and gases and air or gas-borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air.

4.3 Fuel Burning Equipment.

4.3.1 Class 1 Counties: No person shall cause or permit the emission of particulate matter from fuel-burning equipment in a Class 1 county in excess of the amount shown in Table 4-1 for the heat input allocated to such source. For sources in Class 1 counties, interpolation of the data in Table 4-1 for heat input values between 10 million BTU/hr and 250 million BTU/hr shall be accomplished by the use of the equation:

$$E = 1.38H^{-0.44}$$

where: E = Emissions in lb/million BTU

H = Heat Input in millions of BTU/hr

4.3.2 Class 2 Counties No person shall cause or permit the emission of particulate matter from fuel-burning equipment in a Class 2 county in excess of the amount shown in Table 4-1 for the heat input allocated to such source. For sources in Class 2 counties, interpolation of the data in Table 4-1 for heat input values between 10 million BTU/hr and 250 million BTU/hr shall be accomplished by the use of the equation:

$$E = 3.109H^{-0.589}$$

where: E = Emissions in lb/million BTU

H = Heat Input in millions of BTU/hr

4.3.3 For purposes of this Part, the total heat input from all similar fuel combustion units which discharge particulate matter through a common stack at a plant or premises shall be used for determining the maximum allowable emission of particulate matter.

4.3.4 New fuel-burning sources emitting particulate matter shall be subject to the rules and regulations for Class 1 Counties, Section 4.3.1, regardless of their location.

TABLE 4-1 ALLOWABLE PARTICULATE MATTER
EMISSION BASED ON HEAT INPUT

Heat Input (millions of BTU/hr)	Allowable Emission (lb/million BTU)	
	Class 1 County	Class 2 County
1.	.5	.8
10.	.5	.8
20.	.37	.53
40.	.27	.35
60.	.23	.28
80.	.20	.24
100.	.18	.21
150.	.15	.16
200.	.13	.14
250.	.12	.12
1,000,000.	.12	.12

4.4 Process Industries - General.

4.4.1 Class 1 Counties: No person shall cause or permit the emission of particulate matter in any one hour from any source in a Class 1 county in excess of the amount shown in Table 4-2 for the process weight per hour allocated to such source. For sources in Class 1 counties, interpolation of the data in Table 4-2 for the process weight per hour values up to 60,000 lbs/hr shall be accomplished by use of the equation:

$$E = 59 P^{0.62}$$

$$P < 30 \text{ s/hr}$$

and interpolation and extrapolation of the data for process weight per hour values equal to or in excess of 60,000 lbs/hr shall be accomplished by use of the equation:

$$E = 17.31 P^{0.16}$$

$$P \geq 30 \text{ tons/hr}$$

where: E = Emissions in pounds per hour

P = Process weight per hour in tons per hour.

4.4.2 Class 2 Counties: No person shall cause or permit the emission of particulate matter in any one hour from any source in a Class 2 county in excess of the amount shown in Table 4-2 for the process weight per hour allocated to such source. For sources in Class 2 counties interpolation of the data in Table 4-2 for the process weight per hour values up to 60,000 lbs/hr shall be accomplished by use of the equation:

$$E = 4.10 P^{0.67}$$

$$P < 30 \text{ tons/hr}$$

and interpolation and extrapolation of the data for process weight per hour values equal to or in excess of 60,000 lbs/hr shall be accomplished by use of the equation:

$$E = 55.0 P^{0.11} - 40$$

$$P \geq 30 \text{ tons/hr}$$

where: E = Emissions in pounds per hour

P = Process weight per hour in tons per hour.

4.4.3 Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this Part, the interpretation that results in the minimum value for allowable emission shall apply.

4.4.4 For purposes of this Part, the total process weight from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks.

4.4.5 New sources subject to this Part emitting particulate matter shall be subject to the rules and regulations for Class 1 counties, Section 4.4.1, regardless of their location.

TABLE 4-2 ALLOWABLE PARTICULATE MATTER EMISSION BASED ON
PROCESS WEIGHT RATE

Process Weight Rate (lb/hr)	Allowable Emission Rate (lb/hr)	
	Class 1 County	Class 2 County
100	0.56	0.55
500	1.52	1.62
1,000	2.34	2.57
5,000	6.33	7.57
10,000	9.76	12.05
20,000	14.97	19.18
60,000	29.83	39.96
80,000	31.23	42.53
120,000	33.33	46.30
160,000	34.90	49.06
200,000	36.17	51.28
1,000,000	46.79	68.96

4.5 Small Foundry Cupola.

4.5.1 No person shall cause or permit the emission of particulate matter in any one hour from any small foundry cupola source in excess of the amount shown in Table 4-3 for the process weight per hour allocated to such source.

4.5.2 Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this Part, the interpretation that results in the minimum value for allowable emission shall apply.

4.5.3 For purposes of this Part, the total process weight from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks.

4.5.4 Foundry cupolas with a process weight rate greater than 50,000 pounds per hour shall be subject to the rules and regulations of Part 4.4.

TABLE 4-3 ALLOWABLE PARTICULATE MATTER EMISSION BASED ON PROCESS
WEIGHT RATE FOR SMALL FOUNDRY CUPOLAS

Process Weight (lb/hr)	Allowable Emission Rate (lb/hr)
1,000	3.05
2,000	4.70
3,000	6.35
4,000	8.00
5,000	9.58
6,000	11.30
7,000	12.90
8,000	14.30
9,000	15.50
10,000	16.65
12,000	18.70
16,000	21.60
18,000	23.40
20,000	25.10
30,000	31.30
40,000	37.00
50,000	42.40

4.6 Cotton Gins.

4.6.1. No person shall cause or permit the emission of particulate matter in any one hour from any cotton gin operation in excess of the amount shown in Table 4-4 for the process weight per hour allocated to such operation. Particulate matter emissions subject to this Part include process emissions and incinerator emissions if any; Provided, however, that this shall in no way relieve or affect the application of Chapter 3 to open burning and incineration at cotton gin operations.

4.6.2 Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this Part, the interpretation that results in the minimum value for allowable emission shall apply.

4.6.3 For purposes of this Part, the total process weight from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks.

TABLE 4-4 ALLOWABLE PARTICULATE MATTER EMISSION BASED ON PROCESS WEIGHT RATE FOR COTTON GINS

<u>Process Weight Rate (lb/hr)</u>	<u>Allowable Emission Rate (lb/hr)</u>	<u>Process Weight Rate (lb/hr)</u>	<u>Allowable Emission Rate (lb/hr)</u>
1,000	1.6	9,000	13.7
1,500	2.4	10,000	15.2
2,000	3.1	12,000	18.2
2,500	3.0	14,000	21.2
3,000	4.7	16,000	24.2
3,500	5.4	18,000	27.2
4,000	6.2	20,000	30.1
5,000	7.7	30,000	44.9
6,000	9.2	40,000	59.7
7,000	10.7	50,000	64.0
8,000	12.2	60,000 or more	67.4

Chapter -- Control of Sulfur Compound Emissions.

5.1 Fuel Combustion.

5.1.1 Class 1 Counties. No person shall cause or permit the operation of a fuel burning installation in a Class 1 county in such a manner that sulphur oxides, measured as sulphur dioxide, are emitted in excess of 1.2 pound per million BTU heat input.

5.1.2 Class 2 Counties. No person shall cause or permit the operation of a fuel burning installation in a Class 2 county in such a manner that sulphur oxides, measured as sulphur dioxide, are emitted in excess of 1.5 pounds per million BTU heat input.

5.1.3 For purposes of this Part, the total heat input from all similar fuel combustion units at a plant or premises shall be used for determining the maximum allowable emission of sulphur dioxide that passes through a stack or stacks.

5.1.4 New sources emitting sulphur oxides, measured as sulphur dioxide, shall be subject to the regulations for Class 1 counties, Section 5.1.1, regardless of their location.

5.1.5 No person shall cause or permit the emission or combustion of any refinery process gas stream that contains H_2S in concentrations greater than 150 ppm without removal of the hydrogen sulfide in excess of this concentration.

5.2 Sulfuric Acid Plants. No person shall cause or permit sulphur dioxide tail gas emissions from sulfuric acid manufacturing plants to exceed 6.5 lb/ton of 100 percent sulfuric acid produced. The tail gas acid mist emissions are not to exceed 0.5 lb/ton of sulfuric acid produced and the sulphur trioxide emissions are not to exceed 0.2 lb/ton of sulfuric acid produced.

5.3 Sulfur Recovery Plants.

5.3.1 No person shall cause or permit the sulfur oxide emission from any existing sulfur recovery plant recovering sulfur from natural gas to exceed 0.16 pounds per pound of sulfur processed.

5.3.2 Except as provided by Section 5.3.1, no person shall cause or permit the sulfur oxide emission from a sulfur recovery plant to exceed 0.08 pounds per pound of sulfur processed.

Chapt 6 -- Control of Hydrocarbon Emissions.

6.1 Storage of Volatile Organic Materials.

6.1.1 No person shall place, store, or hold in any stationary tank reservoir or other container of more than 60,000 gallons capacity any volatile organic compounds unless such tank, reservoir, or other container is a pressure tank capable of maintaining working pressures sufficient at all times to prevent vapor or gas loss to the atmosphere or is designed, and equipped with one of the following vapor loss control devices:

(a) A floating roof, consisting of a pontoon type, double deck type roof or internal floating cover, which will rest on the surface of the liquid contents and be equipped with a closure seal or seals to close the space between the roof edge and tank wall. This control equipment shall not be permitted if the volatile organic compounds have a vapor pressure of 11.0 pounds per square inch absolute (568 mm.Hg) or greater under actual storage conditions. All tank gauging or sampling devices shall be gas-tight except when tank gauging or sampling is taking place.

(b) A vapor recovery system, consisting of a vapor gathering system capable of collecting the volatile organic compound vapors and gases discharged and a vapor disposal system capable of processing such volatile organic vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(c) Other equipment or means of equal efficiency for purposes of air pollution control as may be approved by the Director.

(d) No person shall place, store, or hold in any new stationary storage vessel more than 1,000-gallon capacity any volatile organic compound unless such vessel is equipped with a permanent submerged fill pipe or is a pressure tank as described in paragraph (a) above, or is fitted with a system as described in paragraph (b) above. Existing stationary storage vessels shall employ portable submerged fill pipes or be equipped with permanent submerged fill pipes.

6.1.2 This Part shall not apply to crude petroleum produced, separated, treated or stored in the field.

6.2 Volatile Organic Materials Loading Facilities.

6.2.1 No person shall load any volatile organic compounds into any tank, truck or trailer from any terminal or bulk storage facility handling more than 50,000 gallons per day unless such terminal or facility is equipped with a vapor collection and disposal system, or its equivalent, properly installed, in good working order; and in operation a loading system which will result in a 95 per cent submerged fill either with a submerged fill pipe or by loading from the bottom.

6.2.2 No person shall load any volatile organic compounds into any tank, truck, or trailer having a capacity in excess of 200 gallons, unless such loading facility is equipped as set forth in Paragraph 6.2.1. Where the vapor collection and disposal system is utilized, the loading arm shall be equipped with a vapor collection adaptor, pneumatic, hydraulic, or other mechanical means which will provide a vapor-tight seal between the adaptor and the hatch. A means shall be provided to prevent liquid organic compounds drainage from the loading device when it is removed from the hatch of any tank, truck or trailer. When loading is effected through means other than the hatches, all loading lines shall be equipped with fittings which make vapor-tight connections and which close automatically when disconnected.

6.2.3 This Part shall not apply to crude petroleum produced, separated, treated or stored in the field.

6.3 Volatile Organic Compound Water Separation.

6.3.1 No person shall use any compartment of any single or multiple compartment volatile organic compound water separation which receives effluent water containing 1,000 gallons a day or more of any volatile organic compound from processing, refining, treating, storing, or handling volatile organic compounds unless such compartment is equipped with one of the following vapor loss control devices, properly installed, in good working order, and in operation.

(a) A container having all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(b) A container equipped with a floating roof, consisting of a pontoon type, double deck type roof, or internal floating cover, which will rest on the surface of the contents and be equipped with a closure seal or seals to close the space between the roof edge and container wall. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(c) A container equipped with a vapor recovery system consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all container gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(d) A container having other equipment of equal efficiency for purposes of air pollution control as may be approved by the Director.

6.4 Pumps and Compressors. All pumps and compressors handling volatile organic compounds shall have mechanical seals or other equipment of equal efficiency for purposes of air pollution control as may be approved by the Director.

6.5 Waste Gas Disposal. No person shall emit a waste gas stream from any ethylene producing plant into the atmosphere unless the waste gas stream is properly burned at 1,300°F for 0.3 seconds or greater in a direct-flame afterburner equipped with an indicating pyrometer which is positioned in the working area at the operator's eye level or an equally effective catalytic vapor incinerator also with pyrometer.

6.6 Organic Solvents.

6.6.1 A person shall not discharge into the atmosphere more than 15 pounds of organic materials in any one day, nor more than 3 pounds in any one hour, from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured or heat-polymerized, in the presence of oxygen, unless said discharge has

been reduced by at least 85 per cent. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

6.6.2 A person shall not discharge into the atmosphere more than 40 pounds of organic materials in any one day, nor more than 8 pounds in any one hour, from any article, machine, equipment or other contrivance used under conditions other than described in Section 6.6.1 for employing, or applying, any photochemically reactive solvent, as defined in Section 6.6.9, or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 85 per cent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in Section 6.6.1 shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

6.6.3 Emissions of organic materials to the atmosphere from the cleanup with photochemically reactive solvents, as defined in Section 6.6.2 of any article, machine, equipment, or other contrivance described in Sections 6.6.1 or 6.6.2, shall be included with the other emissions of organic materials from that article, machines, equipment, or other contrivance for determining compliance with this rule.

6.6.4 Emissions of organic materials into the atmosphere required to be controlled by Sections 6.6.1 and 6.6.2, shall be reduced by:

(a) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

(b) Adsorption, or

(c) Processing in manner determined by the Director to be not less effective than paragraphs (a) or (b) above.

6.6.5 A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this Part shall provide, properly install, and maintain in calibration, in good working order and in operation, devices as specified in the permit to construct or the permit to operate, or as specified by the Director, for indicating temperatures, pressures, rates of flow, or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

6.6.6 Any person using organic solvents or any materials containing organic solvents shall supply the Director, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties, and amount consumed for each organic solvent used.

6.6.7 The provisions of this Part shall not apply to:

(a) The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

(b) Paint spray booth installations.

(c) The employment, application, evaporation or drying of saturated halogenated hydrocarbons or organic compounds in which all olefinic groups contain 3 or more hydrogen atoms.

(d) The use of any material in any article, machine or equipment described in Sections 6.6.1, 6.6.2, or 6.6.3, if:

(1) The volatile content of such material consists only of water and organic solvents, and

(2) The organic solvents comprise not more than 20 per cent of said volatile content, and

(3) The volatile content is not photochemically reactive as defined in Section 6.6.9.

(e) Coatings applied to permanently located structures or surfaces.

6.6.8 For the purposes of this Part, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

6.6.9 For the purposes of this Part, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

(a) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

(b) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent;

(c) A combination of ethylbenzene, ketones having branched hydrocarbon structures, or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

6.6.10 For the purposes of this Part, organic materials are defined as chemical compounds of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates, and ammonium carbonate.

6.7 Disposal and Evaporation of Solvents. A person shall not, during any one day, dispose of a total of more than 1.5 gallons of any photochemically reactive solvent, as defined in Section 6.6.9, or of any material containing more than 1.5 gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.

6.8 Application of Chapter. The provisions of Parts 6.4, 6.5, 6.6, and 6.7 shall only apply to Mobile County.

Chapter 7 -- Control of Carbon Monoxide Emissions.

7.1 No person shall emit the carbon monoxide gases generated during the operation of a grey iron cupola, blast furnace, or basic oxygen steel furnace unless they are burned at 1,300°F for 0.3 seconds or greater in a direct flame afterburner or equivalent device equipped with an indicating pyrometer which is positioned in the working area at the operator's eye level.

7.2 No person shall emit carbon monoxide waste gas stream from any catalyst regeneration of a petroleum cracking system, petroleum fluid coker, or other petroleum process into the atmosphere, unless the waste gas stream is burned at 1,300°F for 0.3 seconds or greater in a direct-flame afterburner or boiler equipped with an indicating pyrometer which is positioned in the working area at the operator's eye level.

Chapter 8 -- Control of Nitrogen Oxides Emissions.

8.1 New Combustion Sources.

8.1.1 No person shall cause or permit emissions of nitrogen oxides from a new gas-fired boiler with a capacity of 250 million BTU/hr or more in excess of 0.20 pounds per million BTU of heat input per hour.

8.1.2 No person shall cause or permit emissions of nitrogen oxides from a new oil-fired boiler with a capacity of 250 million BTU/hr or more in excess of 0.30 pounds per million BTU of heat input per hour.

8.1.3 No person shall cause or permit emission of nitrogen oxides from a new coal-fired boiler with a capacity of 250 million BTU per hour or more in excess of 0.7 pounds per million BTU of heat input per hour.

8.1.4 For purposes of this Part, the total heat input from all similar fuel combustion units at a plant or premises shall be used for determining the maximum allowable emission of nitrogen oxides that passes through a stack or stacks.

8.2 Nitric Acid Manufacturing. No person shall cause or permit the emission of nitrogen oxides calculated as nitrogen dioxide, from nitric acid manufacturing plants in excess of 5.5 pounds per ton of 100 percent acid produced.

ALABAMA AIR POLLUTION CONTROL COMMISSION
PROPOSED
AIR POLLUTION CONTROL RULES AND REGULATIONS
SUMMARY

The following is a summary of the reasons supporting the adoption of the Air Pollution Control Rules and Regulations proposed by the Alabama Air Pollution Control Commission and to be the subject of public hearings in January, 1972.

Chapter 1 -- General Provisions

1.1 Structure and Numbering of Rules and Regulations. A system of structure and numbering is being proposed to enable interested persons to easily find any applicable material. The system also lends itself to easy amendment and revision by the Commission merely by referencing pertinent parts.

1.2 Definitions. All words and terms for which definitions are required are defined in one place to aid persons in determining the meanings of necessary words and terms.

1.3 Organization. A temporary organizational statement is set out to guide the public in determining the ways and means in which the responsibilities of Act No. 769 are carried forward. Until more definite procedures have been arranged, the bulk of the responsibility is placed in the Director.

1.4 Availability of Records and Information. In accordance with the provisions of Section 14 of Act 769, provision is made for making all records, reports, and information in the possession of the Commission available to the public. The procedures by which one may request such records is clearly spelled out and is in accordance with the provisions of the Act.

1.5 Employee Responsibilities and Conduct. Provisions of this part are not required to be the subject of a public hearing. However, it was felt that the Commission and its staff would go on record in advising the public that the affairs of this public agency would be conducted in a manner in keeping with the trust which has been placed in it. It was hoped that by doing this the integrity of the Agency and its personnel will be beyond reproach.

1.6 Ambient Air Quality Standards. As is indicated in the preamble statement the air quality standards previously adopted by the former Commission are being repealed and the national primary and secondary air quality standards adopted by the U. S. Environmental Protection Agency are being adopted. These standards are applicable in all of the other 49 states, the same as they will be in Alabama. To guard against degrading present air quality where it is better than the newly adopted national standards, a policy objective is set to prevent degradation of existing good air quality.

1.7 Monitoring, Records, and Reporting. This part authorizes the Director to require monitoring records and reporting as set forth in Act 769 and further provides for uniformity in the format of the material required to be submitted.

1.8 Sampling and Testing Methods. The administration of the air pollution control program will require that certain sampling and testing be done to determine compliance with rules and regulations. Because there may be a number of organizations, governmental and private, conducting test programs, it is necessary that all involved must use techniques that are appropriate for the purpose. Test methods to be used in determining compliance with the Standards of Performance proposed by the Environmental Protection Agency are published in Part 466 of Title 42 of the Code of Federal Regulations.

1.9 Compliance Schedule. Existing sources of air pollution must comply with the provisions of the regulations within six months of the effective date of the regulations unless the owner or operator submits to the Director a satisfactory plan for achieving compliance. All new sources of pollution must comply at the time they begin operations.

1.10 Malfunction of Equipment. This part merely requires all owners and operators of air pollution sources to notify the Director when maintenance is being performed on air pollution control facilities which would require such facilities to be shutdown. In addition the malfunctioning or other break down or failure of air pollution control equipment would also be required to be reported to the Director. These reports should assist the Director in determining when there might be any sudden threat to public health or welfare.

1.11 Prohibition of Air Pollution. This part simply prohibits the causing or permitting of air pollution; and its effect would amount to a prohibition against creating a public nuisance.

1.12 Permits. The permit system is established so that the Commission will be able to determine whether construction or modification of stationary sources will result in violations of applicable portions of the control strategy or interfere with the attainment or maintenance of an air quality standard. In addition the system will provide a procedure for registration of existing air pollutant sources, thus creating a surveillance program to insure that all sources are brought into compliance with control regulations.

The rules and regulations set forth regarding the submission of information on the nature and amounts of emissions, locations, design, construction, and operation by owners or operators of sources, together with periodic testing and inspection give the Division of Air Pollution Control procedures necessary to make determinations referred to in the preceding paragraph.

1.13 Variances. This part directs the language dealing with variances contained in Section 12 of Act 769. In addition, specific procedures are spelled out to inform every person of the manner in which variances may be requested, objected to, and granted.

1.14 Circumvention. The circumvention part prohibits persons from circumventing the application of the other rules and regulations where such person attempts to conceal or dilute his emission of air contaminants in a manner as to conceal what would otherwise be a violation.

1.15 Severability. This part merely provides that the rules and regulations are severable and that should any part be adjudged invalid or unconstitutional, such judgement shall not affect the remainder of the rules and regulations.

Chapter 2 -- Air Pollution Emergency

2.1 Air Pollution Emergency. The Director has responsibility for enforcement of the provisions of Chapter 2.

2.2 Episode Criteria. For the purpose of preventing air pollution emergency episodes a contingency plan is established which provides for taking any emission control actions necessary to prevent ambient pollutant concentrations from reaching levels which would constitute imminent and substantial endangerment to the health of persons. Four episode stages are established; the criteria determining each stage are those prescribed by the Administrator of the Environmental Protection Agency and published in the Federal Register, Vol. 36, No. 206, October 23, 1971, page 20513.

2.3 Special Episode Criteria. In the event that a single pollutant exceeds criteria levels or a single source is responsible for criteria levels being exceeded, an episode can be declared which requires action to reduce emissions of that single pollutant only.

2.4 Emission Reduction Plan. At each stage of a specific emergency episode those sources designated by the Director will take appropriate preparatory measures and/or institute specific emission reduction measures according to the preplanned abatement strategy. Standby plans for reducing the emission of air pollutants shall be prepared by persons responsible for the operation of air pollutant sources as required and set forth in Tables I - III, published in the Federal Register, Vol. 36, No. 158, August 14, 1971, pages 15504 - 05.

The required reduction procedures for industrial sources are often complex and could result in higher rather than lower emissions during shutdown operations. For this reason and with consideration for the fact that irreparable damage could occur to plant equipment if shutdown is too rapid, the number of hours required to achieve staged emission reductions are set forth according to the Guide for the Control of Emissions During Periods of High Air Pollution prepared by the Franklin Institute Research Laboratories.

2.5 Emission Reduction Plan for Two Pollutants. In the event that the ambient levels of two pollutants exceed the criteria for an episode; and the episode stage for one of the pollutants would be higher than other, then the Director will declare that the higher episode stage exists for both pollutants. Thus, those sources not emitting either of the two pollutants would not be forced to take unnecessary reduction measures.

2.6 Emission Reduction Plans for General Episodes. In the event that the levels of three or more pollutants exceed the criteria for an episode, the Director will declare that a general episode exists, because a general deterioration of air quality would be evident, and a concerted effort to reduce levels of all pollutants would be in order.

2.7 Emission Reduction Plan for Local Episodes. When a local episode is declared, then the source of excess emissions will be required to shutdown for repairs or otherwise eliminate the excess emissions. Until the cessation of excess emissions results in restoration of acceptable ambient air quality, then other sources within the boundaries of the specified area will reduce emissions according to Part 2.4 for those pollutants being emitted in excess.

2.8 Emission Reduction Plans for other Sources. Persons operating sources of air contaminants as designated by the Director will prepare plans for reduction of air pollutants during emergencies; and in addition, those operating sources not designated by the Director will prepare reduction plans when requested in writing.

Chapter 3 -- Control of Open Burning and Incineration

3.1 Open Burning. Open burning is never an integral part of any commercial or industrial operation. It is practiced only because it is an inexpensive means of waste disposal, and practical alternatives to its use exist.

Open burning is an inefficient combustion process; volatile constituents of the waste are often driven into the atmosphere rather than combusted. No air pollution control technology can be used to reduce emissions. Should an air pollution emergency be declared, no practical method for emission reduction exists.

Exceptions to this regulations are made where burning would prevent or tend to prevent some more serious problem or in such cases that emissions are not deemed sufficiently serious to justify prohibition of certain practices long practiced and cherished by individual citizens.

3.2 Incinerator Design and Operation. Multiple chamber incinerators are required to provide proper mixing of combustion gases and sufficient residence time for complete burning of combustibles. Application can be made to the Director for installation of incinerators of unconventional design provided that these are proven to perform as well as a multiple chamber type of the same capacity.

Operation of small incinerators is allowed only during the hours of maximum atmospheric turbulence (10 a.m. to 4 p.m.), since those stacks are short, and ground level fumigation could occur during periods of adverse meteorological conditions.

Methods for determination of incinerator capacity and operating conditions for emission tests are specified in order to insure consistency of regulation enforcement.

Chapter 4 -- Control of Particulate Emissions

4.1 Visible Emissions.

4.1.1 Visible Emissions Restrictions for Stationary Sources. Source testing to determine violations of emission regulations is an involved, time-consuming procedure. Several weeks may be required to evaluate particulate emissions from a large industrial complex. The Ringelmann chart has been in use for many years and has been shown to be a rapid, reliable method for detection of excess emissions.

Any stack plume darker than Ringelmann No. 1 or 20 per cent equivalent opacity would indicate that specific rules regarding fuel burning equipment or process industries were being violated. Discharges of a shade not darker than Ringelmann No. 3 or 60 per cent opacity are permitted for short periods to provide for equipment start-up and unavoidable rapid changes in equipment operating rate.

4.1.2 Visible Emission from Mobile Sources. Any vehicle powered by an internal combustion engine which emits excessive smoke or objectionable odor must have malfunctioning equipment or is being operated contrary to recommended methods. These nuisances can be simply eliminated by proper attention to maintenance and good operating practices.

4.2 Fugitive Dust. The problems associated with fugitive dust arise from the fact that there is no well defined stream of air which can be treated to remove the contaminants. It is, therefore, generally more practical prevent material becoming airborne by use of chemicals or enclosures than to effect its removal from the air. In the event that dust suppression is impractical for some operations, a system of hoods, ducts, and fans must be provided to capture dust and transport it to a conventional dust removal system.

4.3 Fuel Burning Equipment. The attainment and maintenance of national air quality standards in that region of the State (Region 4, which includes Jefferson County) which has been found to have the highest levels of suspended particulate matter and the widest range of source types, requires a substantial reduction in emissions from fuel burning equipment. Fuel combustion contributes approximately 40 per cent of particulate pollution attributable to manmade sources in the Region. Reduction of emissions from each point source in Jefferson County to that level shown in Table 4-1, Section 4.3.5 of the proposed Rules and Regulations will achieve a reduction of 95 per cent from fuel burning as compared to a 87.6 per cent reduction in particulate emissions necessary to achieve national air quality standards.

The technique used to demonstrate adequacy of the control strategy is that of the "roll back" which utilizes the proportional model as described in the Federal Register, Vol. 36, No. 158, Section 420. 13(e)(2)(i), page 15490.

4.4 Process Industries - General. Process industries contribute approximately 48 per cent of particulate pollution attributable to manmade sources in Region 4. Reduction of emissions from each point source in Jefferson County will achieve a reduction of 97.8 per cent from process industries as compared to an 87.6 per cent overall reduction necessary to achieve national air quality standards.

Adequacy of technique for reduction is demonstrated as in Part 4.3 of the Summary.

Chapter 5 -- Control of Sulfur Compound Emissions

Region 5 which includes Mobile County was found to have the widest range of source types for sulfur oxides (Appendix A, Proposed Control Strategy for the State of Alabama Implementation Plan). Using the same techniques described in Part 4.3 of the Summary for control of particulate emissions, a reduction of 43 per cent in sulfur oxide emissions is achieved in that Region as compared to a required 33 per cent reduction needed according to the proportional model.

Chapter 6 -- Control of Hydrocarbon Emissions

Air quality data from Birmingham and Mobile indicate that national air quality standards for hydrocarbons are exceeded, and that a reduction in emission of 48 percent (obtained from Appendix J, Federal Register, Vol. 36, No. 158, August 14, 1971, page 15502) is necessary to achieve those standards. The Federal Vehicle Control Program will achieve hydrocarbon reductions of 23 per cent and 33 per cent for 1975 and 1977 (Appendix I of the Federal Register), respectively, indicating that controls for sources other than vehicles must be instituted.

Control measures for bulk hydrocarbon storage facilities and elimination of open burning provide a further reduction of 17.6 per cent, which means that the air quality standard would be met by 1977. To achieve the standard by 1975, however, requires the establishment of controls on process losses other than bulk storage as exemplified by Appendix B, Federal Register, Vol. 36, No. 158, August 14, 1971, pages 15495-97.

Chapter 7 -- Control of Carbon Monoxide Emissions

Air quality data from Birmingham indicate that the national ambient air quality standard for carbon monoxide is being exceeded. Application of the proportional model (see Section 4.3 of the Summary) indicates that the emission reductions obtained from the Federal Vehicle Control Program will not be sufficient to achieve the national air quality standard by 1975.

Therefore, it is necessary to institute control measures attainable with reasonably available technology such as those listed in Section 5 of Appendix B Federal Register, Vol. 36, No. 158, August 14, 1971, page 15497. These will allow the national air quality standard for carbon monoxide to be met by 1977.

Chapter 8 -- Control of Nitrogen Oxide Emissions

Air quality data for Region 4 indicate that the national air quality standard for nitrogen oxides is being exceeded. The proportional model (see Part 4.3 of the Summary) demonstrates a 9 per cent reduction in nitrogen oxide emission is necessary. Application of Appendix I (see Chapter 6 of the Summary) shows that a reduction of 1 per cent and 6 per cent will be achieved in 1975 and 1977, respectively, due to the Federal Vehicle Control Program. Application of control strategies to point sources will achieve an additional 6.3 per cent reduction. The combined reductions of the Federal program and the specific controls obtained by application of the Air Pollution Control Rules and Regulations of Chapter 6 will result in a total reduction of 7.3 per cent.